

NEW YORK STATE ASSEMBLY • SHELDON SILVER, SPEAKER



# 2014 ANNUAL REPORT



Committee on

Children and Families

*Donna Lupardo, Chair*

THE ASSEMBLY  
STATE OF NEW YORK  
ALBANY



Donna Lupardo  
Assembly 123<sup>rd</sup> District

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Honorable Sheldon Silver  
Speaker of the Assembly  
State Capitol, Room 349  
Albany, New York 12248

December 15, 2014

Dear Speaker Silver:

As Chair of the Assembly Standing Committee on Children and Families, it is my distinct pleasure to submit to you the 2014 Annual Report. This year, the Assembly has continued its commitment to improving outcomes for New York's children and families. The Committee put forward several policy initiatives this year that were enacted into law, including a bill making school coaches mandated reporters of child abuse.

The Committee also advanced a legislative package based on the work of the Assembly Child Care Workgroup. The package included legislation to increase child care provider stability by providing reimbursement for a set number of absences and for older infants. Support for providers was also the goal of legislation put forward to create a taskforce of state agencies to examine duplicative and unnecessary regulations. Additional bills were reported to increase access to childcare for low-income families. These included a bill to disregard the earned income of teenagers under the age of 18 in the household, and a bill to require at least 60 days' notice prior to the county lowering eligibility or increasing the family co-payment. This package of bills went on to pass the Assembly. Additionally, in light of the work done by the Workgroup, the Assembly was able to include an additional \$34 million in the SFY 2014-15 budget.

A second package was advanced by the Committee as a result of two child protective services hearings held last year. These bills seek to enable the state and localities to better protect vulnerable children from abuse and neglect. Included in the package was a bill, chaptered into law, which requires the Office of Children and Family Services (OCFS) through its Statewide Central Register (SCR) to immediately transmit any previous reports to the local social services district concerning a child named in an abuse or neglect report. Another bill would require fatality reports to include written comments provided by the local social services district, thereby providing a more complete picture of the circumstances surrounding a child's death. Another piece of legislation advanced would require local social services districts to produce an annual report on child protective services caseloads so as to better understand the need for additional caseworkers.

This year, the Committee was active in seeking input on important policies affecting communities around the state. The Committee sponsored two roundtables on child protective practices to better understand how the state can support localities in effectively protecting vulnerable children. The Committee also sponsored a hearing to explore the treatment of undocumented Central American youth seeking refuge in New York State.

Despite the budget shortfall facing the state, the Legislature was able to restore funding to many crucial programs such as \$1 million for Settlement Housing, \$500,000 for Advantage After-School, and \$1.75 million for Community Reinvestment. The Legislature continued funding for many core programs including the Foster Care Block Grant. The Legislature also restored \$250,000 in funding for Runaway and Homeless Youth and added additional \$1.35 million in funds, for a total of \$3 million, to Safe Harbour for Exploited Children.

In closing, I would like to express my appreciation to you, the members of the Committee and the many hardworking advocates across the State for continuing to support these efforts.

Sincerely,

A handwritten signature in cursive script that reads "Donna h. Lupardo".

Donna Lupardo  
Chair  
Committee on Children and Families

**2014 ANNUAL REPORT  
OF THE  
NEW YORK STATE ASSEMBLY  
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

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Naomi Schultz – Senior Legislative Analyst  
Jennifer Sacco - Associate Counsel  
Alexis Conti – Committee Assistant

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## **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 and certified 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. These providers are not required to be registered or licensed.

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 12-13 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. It is expected that all NYC youth placed in limited-secure facilities will be transferred to ACS in the near future.

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 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 be in need of 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, 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.

#### 1. Legislative Initiatives

**a. Waiting List** (A.2581, Scarborough/S.1424, Montgomery; Passed Assembly) *Part of Assembly Child Care Package*

Many low-income families rely on subsidized child care in order to maintain employment and ensure financial security. New York State strives to secure adequate funding each year for child care assistance. In order to do this, it is necessary that an accurate estimate be made of the outstanding need in local social services districts for subsidized child care. By establishing mandatory waiting lists, the number of families and the length of time they must wait for child care assistance can be determined. In addition, the income level of families receiving child care assistance must be determined so lawmakers can understand who the subsidies are reaching and whether current income eligibility requirements are appropriate.

This bill would require local social services districts to maintain waiting lists for child care assistance as well as data pertaining to the income level of the families receiving assistance.

**b. Online Listing of After-School and Child Care Programs** (A.8418-A, Mayer/S.6553-A, Kennedy; Veto #572)

Currently, there is no statewide database through which parents and caregivers can search to identify afterschool, extended learning, and summer programs for their school age children. The bill would require the Council on Children and Families to develop and make available through its website a listing and map of all recipients of grants awarded or administered by the state for the purpose of providing afterschool or summer programs, extended learning time, or community schools, and all registered school age providers registered by the Office of Children and Family Services (OCFS). The listing would include each grant recipient or provider's name, the address at which the program is offered, and the name and phone number of an individual who is authorized to answer questions regarding the program. The listing and map would be updated no

less than once every ninety days to reflect changes. The listing and map would also be updated within ninety days of any contract with a grant recipient expiring or being signed. The council would be able to include locations and information for additional relevant programs as it sees fit.

**c. Notification of Funding Cuts to Child Day Care Assistance** (A.8918, Peoples-Stokes/S.6806, Grisanti; Signed, Chapter 495) *Part of Assembly Child Care Package*

In February 2010, with only 10 days notice, the families of 1500 children in Erie County were notified that their child care subsidies would be terminated because the county was lowering its eligibility levels from 200% to 125% of poverty. This short notice left many families in the lurch and required some to leave their jobs and others to remove their children from safe, secure and known child care providers with no time to arrange satisfactory alternatives. Families were left without adequate time to plan or react.

Similarly, in 2012, Westchester County raised the parent contribution from 20% of income above the poverty line to 27% and stopped accepting new applications for Title XX funding which provides subsidies to families earning between 200% and 275% of the federal poverty level.

This bill would require the local social services districts to provide 60 days notice to OCFS prior to lowering eligibility for child care assistance or increasing the co-payment. OCFS would then have 20 days to notify all child care providers and child care resource and referral agencies within the county. These entities must then post such change within their facility or home where child care is being provided.

**d. Establishes the Early Learning Council** (A.8921, Lupardo/S.6961, Avella; Veto memo 544) *Part of Assembly Child Care Package*

Decades of research have demonstrated the social, academic, and economic gains that result from increased investment in high quality early childhood education programs. Children who participate in quality early learning programs have higher rates of high school graduation and college enrollment and decreased rates of incarceration and reliance on public assistance. Early childhood programs produce a high rate of return, mostly due to the societal savings resulting from decreased reliance on criminal justice and safety net programs. In addition, increased investment in early learning has been shown to increase the productivity of the current workforce and provides an economic boost for local economies. It is therefore important to engage members of the business community in the discussion on early learning funding, and to encourage such persons to seek out investments both private and public to the greatest extent possible.

This bill would establish the Early Learning Council (ELC) with the purpose of securing public and private support for early learning programs for children up to the age of five. Membership of the ELC would include at least four business leaders appointed by the Governor, two by the Speaker of the Assembly and two by the Temporary President of the Senate, as well as the commissioners of the Office of Children and Family Service, the Office of Temporary and Disability Assistance, the State Education Department and the Economic State Development

Corporation, and the Director of the Division of the Budget. Members of the ELC would serve terms of three years for appointed positions, and for all others so long as they remain in titles with state government. The ELC would be charged with developing and implementing strategies to engage members of the business community in early learning, as well as raising awareness of the benefits of early learning programs. The ELC would meet twice per year and would develop an annual report which would be sent to the Governor and Legislature.

**e. Information for Legally Exempt Child Care Providers through Child Care Resource and Referral (CCR&R) agencies** (A.8922, Lupardo/S.7586, Espaillat; Chapter #270) *Part of Assembly Child Care Package*

Professional development through trainings, credentialing programs, and higher educational opportunities strengthen the quality of providers. Creating more access to and awareness of training programs, professional development activities, and other higher educational opportunities is beneficial for providers and children alike. After participating in educational opportunities, providers are more effective and efficient when caring for children. Providers become more knowledgeable about how to maintain a safe child care setting, and are equipped to provide more enriching programming to the children in their care. While child care providers are eager to take advantage of professional development programs, they are often deterred by a lack of information on available training.

Training can be especially beneficial to legally exempt providers who enroll with Child Care Resource and Referral agencies (CCR&Rs) to provide full-time care for up to 2 children. If a legally-exempt provider participates in additional training, they may qualify for an enhanced reimbursement rate, CCR&Rs provide a convenient and knowledgeable source of access to trainings for providers, and interface with them regularly. This bill requires CCR&Rs to provide legally exempt providers with information on available trainings at the time of enrollment and re-enrollment.

**f. Provider Qualifications on OCFS Website** (A.8923, Mayer/S.6710, Kennedy; Passed Assembly) *Part of Assembly Child Care Package*

Currently, parents can view basic and limited information about a child care provider on the OCFS website. This information includes contact information, program type and capacity, whether the facility can administer medications, whether non-traditional hours are offered, and if there are uncorrected violations and enforcement actions that were taken. Parents are encouraged to follow up with the provider for any relevant updated information. Selecting a child care provider is one of the most important decisions that working parents face. In order to make this decision, parents should be equipped with a comprehensive overview of the providers' qualifications. By posting a child care provider's trainings online, the provider is also given the opportunity to publicize such accomplishments.

This bill would authorize child care providers to submit to the Office of Children and Family Services (OCFS) any additional education or trainings related to the provision of child care that they have completed. OCFS would be required to post such information online.

**g. Establishes the Child Care Regulatory Review Task Force** (A.8924-A, Gunther/S.7192, Ritchie; Veto memo 500) *Part of Assembly Child Care Package*

Child care providers experience administrative burdens as they work to maintain compliance with the various federal and state regulatory, licensing, and quality enhancement program requirements. Sometimes a provider may have to submit duplicative or very similar paperwork to multiple agencies. This can be time consuming and costly especially for small providers without the financial or personnel resources to dedicate to administrative activities. Depending on the circumstance, these obstacles may impose an unnecessary deterrent to maintaining a child care business.

This bill would create the Child Care Regulatory Review Task Force to review statutory and regulatory requirements for child day care providers. Members of the Task Force would include the Commissioner of the Office for Children and Family Services, the Commissioner of the Office of Temporary and Disability Assistance, the Commissioner of the Department of Health, the Commissioner of the Administration for Children's Services and the Commissioner of the Department of Health and Mental Hygiene, or their designees. The Task Force would be required to hold at least one public hearing, review regulatory and statutory requirements pertaining to child care, and issue a report with recommendations to the Legislature three years from the effective date.

**h. Streamlining of Child Care Assistance Applications** (A.8925, Barrett/No Same as; Passed Assembly) *Part of Assembly Child Care Package*

Applying for child care benefits can be a daunting and complicated process. Application forms often require information not pertaining to child care eligibility, and can be lengthy and confusing for applicants. Additionally, low-income families are often not able to take paid time off from work to go into the local social services district office to fill out the applications. This bill would help to ameliorate these issues by requiring a shortened application form that could be filled out online, or mailed to the applicant at his or her request.

This bill would require local social services districts to utilize a shortened application form for persons only applying for child care assistance, and to post such form on their respective websites for online application. The Office of Temporary and Disability Assistance and the Office of Children and Family Services would be required to post links to each district's application on their respective websites.

**i. Child Care Provider Reimbursement for Absences** (A.8926, Rosa/S.6819, Stavisky; Passed Assembly) *Part of Assembly Child Care Package*

Local social services districts can opt to withhold a portion of subsidy reimbursement from a provider for days in which a child is absent from care. While state regulations allow up to 12 days in absences for each child in any one calendar month, most if not all of these counties

choose not to pay providers when children do not attend. This creates fiscal uncertainty for many providers, leading to difficulty with staff retention and optimal quality care.

This bill would require that local social services districts make payments to providers for at least 12 absences in a 6 month period. The Office of Children and Family Services would define the maximum number of absences allowed for reimbursement, which would not be less than 24 absences in a 6 month period, unless extenuating circumstances exist.

**j. Child Care Provider Reimbursement for Infants** (A.8927, Simotas/No Same as; Passed Assembly) *Part of Assembly Child Care Package*

Licensing regulations require a certain staff to child ratio depending on the age and number of children receiving care with additional staff being required for any increases in infant care. As a result, the subsidy reimbursement amount for infant care is higher than what would be provided for older children. Subsidy regulations define an infant as a child from 0-18 months, however staffing ratios set forth by the Office of Children and Family Services (OCFS) considers an infant to be 0-24 months. This creates a 6-month financial shortfall for providers who do not receive the higher reimbursement amount, but are still required to operate under the standards of the licensing requirements such as a higher level of staff to child ratio. Aligning the definition of infant in subsidy regulation and licensing regulations will ensure that providers receive an adequate subsidy to compensate for the level of care that is being provided. This bill would require that a child care provider be reimbursed at the infant rate for a child up to two years of age.

## 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. This year, thanks to the work of the Assembly Child Care Workgroup, the Assembly approved a budget with an additional \$34 million for child care subsidies over the amount proposed in the Executive budget. This funding will help counties meet the unmet needs of families struggling to maintain employment and provide safe and affordable day care for their children.

The executive budget proposed eliminating certain vital child care programs important to families struggling to maintain self-sufficiency. Child care demonstration projects, located throughout New York City, the Capital Region and Monroe County, serve families up to 275% of the poverty level and make enrollment in child care easier and more efficient. The Assembly was able to restore \$7.3 million to these programs. The Legislature took further action to ensure that essential child care programs are preserved by restoring funding for SUNY and CUNY Child Care, in the amount of \$334,000.

The Legislature was also able to restore \$500,000 in funding for the Advantage After School Program. This program provides structured after-school activities in order to reduce negative behaviors and offer a safe environment for children.

Additionally, the Assembly put forward bill A.1077-A (Jaffee) as Article VII legislation which was enacted in the final budget agreement. This law addresses the disparity around the state regarding eligibility for child care subsidies. Prior to enactment, some counties would count the earned income of youth under 18 in the household towards eligibility. In doing so, counties would deter teenagers from engaging in work because doing so would penalize the family and disqualify them from receiving child care assistance. This language requires counties to disregard the earned income of teenagers younger than 18 years of age for the purposes of calculating eligibility for child care subsidies. The income of teenagers ages 18 and older is disregarded unless including such income would make the family eligible or lower the family share.

## **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, and intensive after-care services so that youth can effectively and safely integrate back into their communities.

### 1. Legislative Initiatives

#### **a. Permanency Planning** (A.2601, Paulin/S.4083, Felder; Passed Assembly)

This measure is vital to address the current conundrum faced by the Family Court: the Court is charged with responsibility to conduct permanency hearings, monitor permanency planning and issue fact-specific permanency orders in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings, but is not given the information or authority required to discharge that responsibility. If Family Court and all parties are provided with specific service plans, if needed services are ordered, if representation by the juveniles' attorneys is continued without interruption and if the agencies' responsibilities to work with, and provide appropriate visitation to, the juveniles' parents and other legally responsible adults are clearly articulated, the likelihood of successful permanency planning is significantly increased. This would benefit not only New York State in its efforts to demonstrate compliance with the federal Adoption and Safe Families Act (ASFA), but also the juveniles, their families and the communities to which the juveniles return.

This bill would add permanency planning to juvenile delinquency and PINS proceedings consistent with requirements for child abuse and neglect proceedings. This includes an additional requirement to hold permanency proceedings for youth placed in limited-secure facilities, review of steps taken to ensure immediate enrollment in school, notification to parents of proceedings and continuation of attorney representation. These additions are analogous to requirements for foster children.

**b. Violation Procedures** (A.2602-B, Paulin/S.3831-A, Gallivan; Passed Assembly)

In a juvenile delinquency or PINS proceeding, the Family Court may order a youth to comply with certain terms and conditions with the goal of dismissing the case. Such orders occur as part of an adjournment in contemplation of dismissal, suspended judgment, conditional discharge, and direction that the youth be placed on probation. If the youth is successful in meeting the terms of the order, he or she may avoid a fact-finding that could lead to a disposition of placement. Currently, there are no standards or procedures guiding the court for restoring a matter to the calendar if a violation of such terms is alleged. The youth has no due process for which to show evidence that such violation did not occur, or that mitigating circumstances exist.

This bill would provide a process in juvenile delinquency and PINS proceedings for restoring the matter to the calendar after an alleged violation. In a juvenile delinquency proceeding, a petition would be served upon the youth and the youth provided with an opportunity to respond and to be represented by counsel at a hearing. In a PINS proceeding, similar to existing juvenile delinquency proceedings, a judicial allocution procedure would be required before the court may accept the youth's admission. A petition would be served upon the youth and the youth would be represented by counsel at a hearing. A finding by competent proof that the youth committed the alleged act would be sufficient to restore the matter to the calendar.

**c. Substance Use Disorder Assessment Services for Youth** (A.10162, Lupardo/S.7909, Felder; Signed, Chapter 38)

This legislation was proposed by the Office of Alcoholism and Substance Abuse (OASAS) to address the spike in heroin use among youth in New York State. Currently, all youth subject to a PINS petition must undergo diversion services prior to the petition being filed. Diversion services may include an assessment for a substance use disorder, however many parents are unaware that this is an option. This bill would clarify that PINS diversion services may include a substance use disorder assessment conducted by an OASAS certified provider. This clarification will make parents and providers more aware that such services may be offered.

**d. Persons in Need of Supervision (PINS) Records** (A.9916-A, RULES – Lupardo/S.6814-A, Felder; Passed Assembly)

Under Article 3 of the Family Court Act, records are automatically sealed if a petition against a youth is withdrawn or dismissed. Although youth under Article 7 are not accused of criminal activity, they are not afforded this protection. Therefore, records in a PINS proceeding may be used against the youth in a subsequent proceeding of any kind. This bill, submitted by the Office of Court Administration (OCA), would provide the same protections over records in a PINS proceeding as those currently provided in a juvenile delinquency proceeding.

The bill would require that records would be automatically sealed if a PINS petition is dismissed in favor of the respondent; if the case has been adjusted, withdrawn or dismissed. Notices would be sent to the designated lead agency, probation department, and the presentment and law enforcement agencies instructing them to seal such records as well. If the youth is adjudicated a PINS, the youth may make a motion for the records to be sealed.

## 2. Budget Initiatives

The Legislature was able to provide an additional \$1,285,544 in funding for the Youth Development Programs, which are those programs formerly known as Youth Development and Delinquency Prevention (YDDP) and Special Delinquency Prevention Programs (SDPP). This restoration is in addition to a base amount of \$14.12 million.

Additionally, the Legislature was able to provide \$1.75 million in funding for the Community Reinvestment Program, which is an initiative that OCFS designed with stakeholders to invest in, expand, and enhance community resources with multi-phase interventions in order to prevent family court placements. The ultimate goal is to provide youth and families in high-need communities with a comprehensive community network of supports. This program is intended to help teach healthy behaviors, reduce gang involvement and/or violence, and improve attendance at school and court proceedings.

Finally, the Legislature approved additional funding for the Summer Youth Employment Program (SYEP) to account for the increase in the minimum wage. The final funding level was \$27.5 million from \$25 million last year. This funding will ensure that the program continues to provide paid employment to youth during the summer months.

## **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. Expanding Mandated Reporters** (A.421-C, Paulin/S.4751-B, Lanza; Signed, Chapter 205) *Part of Assembly Child Protective Services Package*

Mandated reporters of child abuse are required by law to report suspected child abuse and maltreatment to the Statewide Central Register (SCR). This list of mandated reporters includes many types of professionals who, through their official capacity, may observe signs of abuse and neglect in children. Similarly, school coaches have close contact with children however they were not included on this list. This bill would correct this omission by adding full or part-time compensated school employees, required to hold a temporary coaching license or professional coaching certificate, to the list of mandated reporters.

### **b. Statewide Central Register of Child Abuse and Maltreatment (SCR) Call History** (A.1987-A, Titus/S.5942-A, Kennedy; Signed, Chapter 357) *Part of Assembly Child Protective Services Package*

Child abuse reports taken by the Statewide Central Register of Child Abuse and Maltreatment (SCR) are immediately transmitted to the local social services district for investigation. The district has 24 hours to do an initial home visit to begin gathering facts and to determine if the child is at immediate risk. Although statute grants districts access to all previous founded and unfounded reports of child abuse involving the family, the district is not always given these reports immediately. This information could be of crucial assistance in making a determination regarding the child's safety. This bill would ensure that districts have immediate access to such reports by requiring the SCR to immediately transmit them along with a child abuse or neglect report, including those previous reports that occurred in other counties in New York State.

### **c. Establishes the Temporary State Commission on Intimate Partner Violence** (A.2312, Crespo/S.828, Parker; Passed Assembly)

Intimate partner violence, including dating violence, can have catastrophic physical and emotional impacts on the victim. Evidence suggests that victims have a higher rate of teen pregnancy, sexually transmitted diseases eating disorders and suicide attempts. In order to combat the effects of such violence, the extent of the problem and the underlying factors must be identified.

This bill would attempt to address the issue by establishing the Temporary State Commission on Intimate Partner Violence, within the Office for the Prevention of Domestic Violence, to examine, evaluate and make recommendations regarding the prevalence, causes, effects, risks and costs to the State of intimate partner violence. The Commission would consist of 15 members and may hold public hearings and request and receive data not protected by law. The Commission would issue a preliminary report to the Governor and the Legislature with its conclusions and recommendations within 12 months of the effective date. Each of the following two years, the Commission shall issue a report including its analysis and outcomes of its previous recommendations.

**d. Notification of Change in Placement** (A.2599-B, Paulin/S.4081-B, Felder; Passed Assembly)

The removal of a child from his or her home is often a traumatic and life-altering event for the child and family involved. Once the child is placed in foster care, changing such placement brings additional instability and potential trauma into a foster child's life. Currently, local social services districts have the authority to remove a child from his or her foster home into a different setting, such as a group home or a residential facility, without informing the parents or the attorney for the child. As these parties play a vital role in the child's life, they should be informed prior to a district's decision to change placement. Such advance notice provides an opportunity to determine whether such a move is necessary and in the best interest of the child.

This bill would require local social services districts to provide 10 days advance written notice to the attorneys for the parties and the attorney for the child when a change in foster care placement is deemed necessary. If the need to change placement is an emergency, such notice would be required as soon as practicable after removal. This bill would also require the district to notify the attorneys for the parties and the attorney for the child within five days of an indicated report of child abuse in the home of a foster child.

**e. Office of the Child Advocate** (A.2676-A, Clark/S.5778-A, Parker; Passed Assembly)

OCFS is responsible for programs, services and systems providing care and protection for many of the State's vulnerable children and families. New York State is unique in that local social services districts administer many of these programs and services. While OCFS and local districts maintain internal oversight and accountability mechanisms, the complex needs of children and families across the State often require additional review and support. Currently, there is no independent State entity solely dedicated to the oversight of vulnerable children served by the State's juvenile justice or child welfare systems. Such an entity would better enhance the State and localities' ability to promote the well-being of children and families.

This bill would establish the independent Office of the Child Advocate and recommend systemic changes in State policies concerning the juvenile justice system and the child protective services, preventive services, and foster care system.

**f. Ongoing Mandated Reporter Training** (A.2887-B, Scarborough/No Same as; Passed Assembly) *Part of Assembly Child Protective Services Package*

Mandated reporters are required by law to report suspected child abuse and neglect to the Statewide Central Register of Child Abuse and Maltreatment (SCR). Mandated reporters include professionals who, through their official capacity, are likely to observe signs of abuse and neglect in children.

Currently, mandated reporters are required to complete 2 hours of training regarding the identification and reporting of child abuse and maltreatment. This training is required only once. Despite changing laws and regulations surrounding child abuse, no further training is required regardless of how long such professionals continue in their careers. Concerns have been raised

regarding whether the current requirement is sufficient to keep mandated reporters refreshed and up-to-date on their responsibilities.

This bill would rectify this concern by requiring mandated reporters to complete 2 hours of training every 3 years. Such ongoing training would help mandated reporters to take appropriate action, improve the quality of calls to the SCR and keep children safe.

**g. Attorneys at Adoption Proceedings** (A.4060-A, Wright/No Same as; Passed Assembly)

Attorneys for children represent children in all types of Family Court proceedings. A child who is freed for adoption would have had such representation throughout the abuse or neglect and termination proceedings. Yet, there is no requirement that the attorney continue to represent the child at the adoption proceeding. The attorney has insight into the child's history, any emotional or behavior problems and any needs for services. This perspective can be helpful to the adoptive family in securing appropriate post-adoption services.

This bill would require that the attorney for a child freed for adoption continue to represent the child through the adoption proceeding, unless another attorney is appointed. The attorney may be relieved of this responsibility if he or she applies to the court for termination of appointment. If such application is approved, another attorney would be appointed.

**h. New York State Reuniting Families Act** (A.6377-B, Kim/S.4185-B, Parker; Passed Assembly)

When a child has been in foster care for 15 of the most recent 22 months, the local social services districts is required to file a petition to terminate parental rights unless certain exceptions exist. These exceptions are designed to recognize circumstances preventing a parent from reunification that may be outside his or her control, such as incarceration and participation in a drug rehabilitation program.

Likewise, a parent involved in an immigration proceeding may be unable to resume custody despite efforts to do so. Upon conclusion of the proceeding, the parent may be fully able to care for his or her child with it being in the best interest of the child to return home. To terminate parental rights, in the midst of such proceeding, would prematurely and permanently separate the parent and child, resulting in trauma and hardship to the family. In such situations, the local social services district should have the flexibility to consider the circumstances and delay the filing of a petition to terminate parental rights.

**i. Technical Correction Concerning Unfounded Reports** (A.7025, Simanowitz/S.5847, Robach; Signed, Chapter 256)

The current social services statute contains an incorrect reference to the penal law in a section dealing with access to indicated reports of child abuse and maltreatment. This bill would make the correct reference to crimes dealing with false reporting to the Statewide Central Register.

**j. Post- Adoption Services Data** (A.7349, Lupardo/S.5517, Parker; Passed Assembly)

Adoption is intended to provide a child with a stable and permanent family. Many adopted children have histories of abuse and neglect that can lead to emotional and behavioral problems. These problems may be known prior to the adoption, but may also arise afterwards and even years later. Inability to cope with these issues can threaten the permanency of the adoption. In such situations, children are often placed back into foster care.

Post-adoption services have been shown to increase adoption permanency. Services such as counseling and respite give parents the support and tools they need to care for their children. Unfortunately, there is a lack of data on the need for post-adoption services and the availability of such services around the State. This bill would address this problem by requiring the Office of Children and Family Services (OCFS) to submit an annual report to the Legislature detailing the number of adopted children placed in foster care, and the extent to which post-adoption services are accessed.

A modified version of this bill was enacted this year in the SFY 2014-15 budget through Article VII legislation. The enacted version would require each local social services district to place information on its website, to the greatest extent possible, regarding post-adoption services funded by the district. OCFS would be required to collect and compile data on the number of children and families served, the type of services provided and the number of families receiving preventive services where post-adoption services was identified as appropriate and necessary. OCFS would also compile data on the number of children entering foster care that had been previously adopted and the number of adoptive families receiving preventive services. OCFS is required to submit an annual report to the Legislature beginning September 1, 2015 detailing the information available by that date. All other information required will be included in annual reports beginning September 1, 2017.

**k. Licensure and Certification of a Foster Parent** (A.8474, Rozic/S.6875, Griffo; Signed, Chapter 539)

When a child enters foster care, the state assumes the responsibility of providing a safe and secure environment for the child. However, this is not always the case. According to agency reports and hearing testimony, there continues to be instances where children are further abused or even killed by their foster parents.

This bill would require that a social services district or authorized agency, prior to issuing a license or certificate to board a child, determine whether an applicant to be a foster parent has previously had a license revoked or not renewed or whether a child was removed from the home.

**l. Society for the Prevention of Cruelty to Children Extension** (A.9225-B, Zebrowski/S.6926-A, Gallivan; Signed, Chapter 325)

Societies for the Prevention of Cruelty to Children (SPCC) were first established in New York State in the mid-1870s, in response to a need for protecting children from abuse and neglect. At that time, there were no state laws or authorities to protect children from abusive situations. For

over a century these organizations helped to protect the children of our state. However, with the enactment of the Child Protective Services Act in 1973, the state assumed the role of protecting children against abuse and neglect.

In 2008, a bill was signed into law repealing unnecessary powers of SPCC organizations so that child protective services may only be handled by the appropriate local social services district. Two exceptions were made to this law. The Rockland County SPCC, which assists law enforcement with underage alcohol and tobacco stings, was allowed to retain its peace officer status to be able to continue such operations. Due to dire fiscal consequences, the Erie County SPCC was exempted from the bill so that it could continue to contract with the county to perform after-hours CPS functions. The law required these exceptions to sunset in 5 years, at which time the Legislature would review the fiscal circumstances in Erie County to determine whether an extension was warranted. The sunset date occurred in August of this year.

This law would extend the provisions allowing Rockland and Erie County SPCCs to continue in their current functions for five years. A chapter amendment agreement was reached however, that would limit such extension to 3 years.

**m. Fatality Reports** (A.9702, Lupardo/S.7667, Felder; Signed, Chapter 544) *Part of Assembly Child Protective Services Package*

OCFS or a local fatality review team is required to issue a fatality report in regards to the death of any child where: the death was reported to the Statewide Central Register (SCR), there was an open child protective or preventive services case involving the child, or the care and custody or guardianship has been transferred to an authorized agency. Such fatality reports must include the cause of death, services provided to the family by the local social services district and any subsequent actions by the district.

Although local social services districts have often been heavily involved in the child's life prior to his or her death, they are excluded from contributing to the final fatality report detailing the circumstances of the fatality. Concerns have been expressed that such exclusion skews the report and misleads the public and policy makers as to the cause of death and solutions to prevent future fatalities.

This bill would require that fatality reports include any written comments provided by the local social services district. The district must receive such report at least 30 days prior to its release and may provide comment within 20 days of receipt of the report. By allowing for local district input, fatality reports will be more helpful in identifying the causes of child fatalities and working towards solutions.

**n. Medical Treatment for Destitute Children** (A.9732, Lupardo/S.6813, Felder; Signed, Chapter 279)

Local social services district currently have the statutory authority to consent to medical care for children placed with the district in foster care. In 2011, a law was enacted creating a mechanism for destitute children, children without a parent or guardian, to come into foster care. In an

oversight, the law failed to add destitute children to medical consent section of law. This law makes that amendment to clarify that local districts may consent to the medical care for destitute children, as they do for all other types of foster children.

**o. Annual Child Protective Caseload Reports** (A.9873, Lupardo/S.7524, Golden; Veto memo 577) *Part of Assembly Child Protective Services Package*

The ability of child protective caseworkers to adequately protect children and families is largely dependent on the number of cases assigned to them. A 2006 OCFS study found that the ideal maximum child protective services caseload is 12. In many districts the caseload is many times higher than this recommendation. No cohesive statewide data exists however to examine caseloads and their impact on child protective services programs.

This bill would require each local social services district to submit an annual report to the Governor, OCFS and the Legislature detailing caseloads for child protective services workers, including the number of supervisory and nonsupervisory staff, the number of active cases, the number of civil service tests offered and steps taken to reduce caseloads.

## 2. Budget Initiatives

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 2013-2014, such as Child Advocacy Centers, Safe Harbour, and the Runaway and Homeless Youth program.

The Legislature was able to appropriate \$3 million in funding, an additional \$1.35 million over last year's level, for the Safe Harbour program created under the Safe Harbour for Exploited Children Act in 2008. Under this groundbreaking law, the Legislature established that commercially sexually exploited children are crime victims, not criminals, and recognized that these children must be provided with critical services, including short-term emergency shelter to keep them off the streets, food, clothing, medical care, counseling and crisis intervention services, and long-term housing with specialized services such as case management, legal, mental health and substance and alcohol abuse services. The Safe Harbour program also contemplates that funding be utilized to train law enforcement to better identify sexually exploited children and obtain appropriate services for them.

The Legislature also provided \$2.57 million, an additional \$1.8 million over last year's level, for Child Advocacy Centers, which provide a comfortable setting for abused children to receive care and treatment. These centers are important places where multi-disciplinary teams of professionals including doctors, mental health providers and law enforcement, can gather information about a case. The child benefits because multiple interviews, which can be a source of additional trauma, are avoided. The Legislature also continued funding for the Runaway and Homeless Youth program in the amount of \$2.6 million in the SFY 2013-2014 budget, an increase of \$254,000 over the Executive's proposed budget, improving the chances of stability and permanency options for these youth.

Last year, through Article VII legislation, the Legislature approved a new program called “Pay for Success” which incentivizes private entities to finance public programs in the areas of health care, early childhood development, child welfare and public safety. OCFS and the Division of Criminal Justice Services enter into contracts with intermediary organizations for the raising of funds and oversight of service provision, as well as contracts for the verification of program outcomes achieved. Investors receive a return on investment based on savings the program achieves. This year the Legislature authorized an additional \$23 million for new projects in the juvenile justice and health care fields.

### **III. PUBLIC HEARINGS**

#### **A. New York State’s Role in Addressing the Influx of Migrant Youth from Central American Countries**

On September 16 of this year, the Assembly Committee on Children and Families along with the Assembly Committee on Social Services and the Assembly Taskforce on New Americans held a hearing to examine the role of NYS in regards to the large number of undocumented Central American youth entering the state. The number of youth crossing the Southwest border from Central American countries, particularly Honduras, El Salvador and Nicaragua increased sharply this year. New York has the second highest number of such youth residing in the state after Texas. Most of these youth have suffered some level of physical or emotional trauma in their home countries and in their journey to the United States. Therefore, it is important that the state have in place a robust network of services to treat these youth as they await reunification with family members and legal processing.

Witnesses at the hearing included human service providers such as Catholic Charities and Children’s Village, as well as legal service providers such as Legal Aid and the New York Law School Safe Passage Project. Testimony consistently stated that while NYS is a leader in providing fair treatment and services for undocumented youth, more is still needed. Witnesses testified to the need for more wrap-around services including health care, education, after-school programs, and mental health services. For the 90% of children who are reunited with family members, these families are often in great need of preventive services to help them stabilize and integrate. The number of bi-lingual service providers is also greatly insufficient.

Children are also in dire need of legal services and many do not obtain any legal representation whatsoever. Such children are at greater risk of missing out on opportunities for asylum and Special Immigrant Juvenile Status, and are more likely to face deportation or miss court hearings and fall through the cracks. There is also a need for more training for lawyers and court personnel on how to address undocumented youth. Finally, the increased number of immigration proceedings has put a strain on the Family Courts. Despite the recent increase in the number of Family Court judges, more resources are needed to improve the long wait times for immigration hearings.

## **B. Preventive Services for Families**

On December 1<sup>st</sup> of this year, the Assembly Committee on Children and Families held a hearing to examine the effectiveness and availability of preventive services for families. These include mandated services to prevent children from entering foster care, and non-mandated services designed to target particular problems in high-risk areas. The goal of the hearing was to gather information regarding the status of such programs and the impact of the state budget cuts that have occurred in recent years.

Participants at the hearing included representatives from foster care agencies, advocacy organizations, local social services districts and attorneys practicing in Family Court. Witnesses testified on many common themes. These included the need to restore mandated preventive services funding to 65% state reimbursement, increase funding for Community Optional Preventive Services (COPS) and allow for more flexible programming, require better Statewide data on the use of preventive services, dedicate funding for post-adoption services and increase the statutorily prescribed housing subsidy from \$300 to \$600. There was also discussion on increasing access to mandated preventive services so that families in need may access them without an open child protective case.

Another topic of discussion was the use of evidence based programming. Such programs utilize models that are scientifically proven to be effective. They include tracking of data and a demonstration of outcomes. While the Federal government has been increasing the requirement for evidence based programs in order to receive funding, such programs are expensive to operate and come with a myriad of administrative requirements. Certain successful programs may be negatively impacted through conforming to the rules of evidence based practices. Therefore, there must be a thoughtful discussion on whether any additional funding allocated by the state for preventive services comes with a requirement that they be evidence based.

## **IV. Roundtables**

### **A. The Statewide Central Register for Child Abuse and Maltreatment (SCR)**

On October 21<sup>st</sup> of this year, the Assembly Committee on Children and Families and the Assembly Committee on Oversight, Analysis and Investigation held a roundtable to examine whether improvements can be made to the SCR. This round-table was the first of two roundtables held to address issues raised at the Assembly Child Protective Services hearings in 2013. Representatives from the New York Public Welfare Association (NYPWA), the Civil Service Employees Association (CSEA) and the Erie County Executive's Office were among those participating.

Major topics discussed included: whether the standard for accepting reports of child abuse are adequate, whether CONNECTIONS should be updated to make it easier to analyze data and to store photographs, whether photographs of injuries should be transmittable as part of an allegation to the SCR, what information should be provided to the local social services district for investigation and whether allegations should be transmittable by email. There was also significant discussion on the question of whether calls to the SCR should be recorded. Those in

support argued that the recording of calls would deter false reporting and improve the quality of investigations by allowing the caseworker to hear first-hand the allegations made. Concerns were raised however that by providing less anonymity, recordings could act as a deterrent to calling the SCR. The question was also raised over how protected the recordings should be in criminal and Family Court proceedings.

## **B. Child Protective Services (CPS) Investigations**

On November 19<sup>th</sup> of this year, the Assembly Committee on Children and Families and the Assembly Committee on Oversight, Analysis and Investigation held a roundtable to examine the child protective services investigatory process including what supports caseworkers need. This was the second of two roundtables held to address child protective services issues raised at the Assembly hearings in 2013. The roundtable was attended by representatives from the Administration for Children's Services (ACS), the Schenectady County Department of Social Services, the New York Public Welfare Association (NYPWA), the Schuyler Center for Advocacy and Analysis, Citizen's Committee for Children (CCC) and the Civil Service Employees Association (CSEA).

Participants discussed ways to improve caseworker effectiveness. There was agreement that caseworkers are required to spend too much time entering data into CONNECTIONS. CONNECTIONS contains all records pertaining to the child, including medical, and human error results in children leaving foster care with the wrong personal information. An upgrade in systems would improve caseworker efficiency and accuracy. Participants also discussed models for supporting caseworkers on the local level, such as holding weekly team meetings to review removals and focusing on critical thinking skills.

A second major topic discussed was the need for better access to the criminal records of a family under investigation. Current statute allows access to conviction records but only for supervisors or persons with law enforcement experience. This requirement is burdensome for smaller counties and some do not attempt to access the information at all. Counties feel that access to the information would improve the safety of caseworkers investigating the homes. It was unclear how the information would be used in making a determination on whether to indicate the report.

The last major topic discussed was the need to lower caseloads. Depending on the local social services district, child protective caseloads range from as low as 8 to as high as 75. In order for caseworkers to thoroughly investigate and follow up on each and every case, qualified staff must be hired to reduce the burden. Counties feel that if such a requirement were to be put in place it must include funding so as not to have a negative impact on county services.

APPENDIX A

**2014 SUMMARY SHEET**

SUMMARY OF ACTION ON ALL BILLS  
REFERRED TO THE COMMITTEE ON  
CHILDREN AND FAMILIES

<u>FINAL ACTION</u>	<u>ASSEMBLY BILLS</u>	<u>SENATE BILLS</u>	<u>TOTAL BILLS</u>
<b>BILLS REPORTED WITH OR WITHOUT AMENDMENT</b>			
TO FLOOR; NOT RETURNING TO COMMITTEE (FAVORABLE)	8	0	8
TO WAYS AND MEANS	6	0	6
TO CODES	8	0	8
TO RULES	8	0	8
TO JUDICIARY	0	0	0
TOTAL	30	0	30
<b>BILLS HAVING COMMITTEE REFERENCE CHANGED</b>			
TO _____	1	0	1
TO _____	0	0	0
TO _____	0	0	0
TO _____	0	0	0
TOTAL	1	0	1
<b>SENATE BILLS SUBSTITUTED OR RECALLED</b>			
SUBSTITUTED		0	0
RECALLED		1	1
TOTAL		1	1
<b>BILLS DEFEATED IN COMMITTEE</b>	0	0	0
<b>BILLS HELD FOR CONSIDERATION WITH A ROLL CALL VOTE</b>	12	0	12
<b>BILLS NEVER REPORTED, HELD IN COMMITTEE</b>	88	14	102
<b>BILLS HAVING ENACTING CLAUSES STRICKEN</b>	1	0	1
<b>MOTIONS TO DISCHARGE LOST</b>	0	0	0
<b>TOTAL BILLS IN COMMITTEE</b>	132	15	147
<b>TOTAL NUMBER OF COMMITTEE MEETINGS HELD</b>	7		

**APPENDIX B**

**2014 BILLS SIGNED INTO LAW**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Chapter #</b>
A.421-C/S.4751-B	Paulin/Lanza	Expands the persons responsible for reporting child abuse to include compensated school employees requiring a temporary coaching license or professional coaching certificate	205
A.1987-A/S.5942-A	Titus/Kennedy	Requires the SCR, upon receiving a report of child abuse, to transmit all previous reports concerning the child to the local social services district	357
A.7025/S.5847	Simanowitz/Robach	Makes a technical correction to statute regarding false reporting to the SCR	256
A.8474/S.6875	Rozic/Griffo	Requires local social service districts to review whether previous licenses and certificates have been revoked or suspended prior to granting a new foster parent license or certificate.  *A subsequent chapter amendment will clarify that such reviews would be conducted using the OCFS system currently used for such purposes.	539
A.8918/S.6806	Peoples-Stoke/Grisanti	Requires local social services districts to provide 60 days advance notice prior to lowering eligibility for child care assistance or increasing the family share.  * A subsequent chapter amendment will lower the timeframe for advance notice to 30 days and require that such notice be made directly to the affected families rather than to OCFS.	495
A.8922/S.7586	Lupardo/Espaillet	Requires child care resource and referral agencies to provide information to legally exempt child care providers on training opportunities	270
A.9225-B/S.6926-A	Zebrowski/Gallivan	Extends the authority for Erie and Rockland County Societies for the Prevention of Cruelty to Children (SPCC) to retain certain powers for 5 years.  *A subsequent chapter amendment agreement was reached to limit the extension to 3 years.	325
A.9702/S.7667	Lupardo/Felder	Would require OCFS to include written comments made by local social services districts in fatality reports.  *A subsequent chapter amendment agreement was reached to require comments be made in the form and manner required by OCFS, to clarify existing confidentiality requirements and to extend the effective date to 90 days after enactment. The attached Governor's memo of approval will further clarify that written comments will be limited to 2000 characters.	544

Bill #	Sponsor	Description	Chapter #
A.9732/ S.6813	Lupardo/ Felder	Clarifies that local social services district commissioners have the authority to consent to the medical care of destitute children	279

**2014 BILLS PASSED**

Bill #	Sponsor	Description	Last Action
A.1077A/ No Same as	Jaffee	Disregards the earned income of children in the household under the age of 18 for purposes of child care assistance eligibility	Referred to Senate Children and Families
A.2312/ S.828	Crespo/Parker	Establishes the Temporary State Commission on Intimate Partner Violence to study, report and make recommendations on such violence	Referred to Senate Finance
A.2581-A/ S.1424-A	Scarborough/ Montgomery	Requires local social services districts to maintain a waiting list of persons applying for child care assistance	Referred to Senate Social Services
A.2599-B/ S.4081-B	Paulin/Felder	Requires local social services districts provide advance notice prior to changing the placement of a foster child	Referred to Senate Children and Families
A.2601/ S.4083	Paulin/Felder	Enhances permanency planning in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings	Referred to Senate Children and Families
A.2602-B/ S.3831-A	Paulin/ Gallivan	Establishes procedures for violations during an adjournment in contemplation of dismissal, suspended judgment and probation in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings	Referred to Senate Children and Families
A.2676-A/ S.5778-A	Clark/Parker	Establishes the independent Office of the Child Advocate to oversee programs and services for children	Referred to Senate Children and Families
A.2887-B/ No Same as	Scarborough	Requires ongoing training for mandated reporters of child abuse and neglect	Referred to Senate Children and Families

A.4060-A/ No Same as	Wright	Requires that a child continue to be represented by an attorney through the duration of an adoption proceeding	Referred to Senate Children and Families
A.6377-B/ S.4185-B	Kim/Parker	Enacts the New York State Reuniting Families Act to allow local social services districts to delay the filing of a petition to terminate parental rights if the parent is involved in an immigration proceeding, including detention or deportation	Referred to Senate Children and Families
A.7349/ S.5517	Lupardo/ Parker	Requires OCFS to collect and make available data on post-adoption services	Referred to Senate Children and Families
A.8923/ S.6710	Mayer/ Kennedy	Allows child care providers to have their qualifications posted on the OCFS website	Referred to Senate Children and Families
A.8925/ No Same as	Barrett	Requires simplified application forms for child care assistance	Referred to Senate Children and Families
A.8926/ S.6819	Rosa/Stavisky	Requires reimbursement for at least 12 child day care absences in a 6 month period	Referred to Senate Children and Families
A.8927/ No Same as	Simotas	Requires child day care providers be reimbursed at the infant rate for children up to the age of 2	Referred to Senate Children and Families
A.9916-A/ S.6814-A	(Rules) Lupardo/ Felder	Requires sealing of all records in a Person in Need of Supervision (PINS) proceeding is terminated in favor of the respondent	Referred to Senate Children and Families

**2014 BILLS REPORTED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Last Action</b>
A.2321/ No Same as	Jaffee	Provides that calls to hotlines operated by OCFS are confidential	Reported to Codes
A.2397-A/ No Same as	Englebright	Requires the adoption of pest management techniques at child care centers and Head Start day care centers	Amended on 3 <sup>rd</sup> Reading
A.2501-A/No Same as	Robinson	Authorizes the issuance of warrants and orders of protection in Persons in Need of Supervision cases	Reported to Codes
A.2892A/ S.7339-A	Clark/Felder	Provides that out-of-home placement of children with emotional, behavioral, mental or physical disabilities shall not require the transfer of custody	Amended on 3 <sup>rd</sup> Reading
A.5567-A/ S.3209-A	Rozic/Parker	Establishes a mentoring program within OCFS for adjudicated youth formerly placed in OCFS facilities	Held for Consideration in Ways & Means
A.9995/S.7707-A	Rules (Rosenthal)/Felder	Allows for supervision of non-respondent parents	Reported to Codes

**2014 BILLS VETOED**

<b>Bill #</b>	<b>Sponsor</b>	<b>Description</b>	<b>Veto #</b>
A.8418- A/S.6553-A	Mayer/Kennedy	Requires the Council on Children and Families to establish an online listing and map of publicly funded or registered after-school and school age child care programs	572
A.8921/S.6961	Lupardo/Avella	Establishes the Early Learning Council (ELC) to secure public and private support for early learning programs for children up to the age of five	544

A.8924-A/ S.7192	Gunther/Ritchie	Creates a child care regulatory review taskforce to examine ways to streamline child day care requirements	500
A.9873/S.7524	Lupardo/Golden	Requires local social services districts to annually report on child protective services caseloads	577

*APPENDIX C*  
*OUTLOOK FOR 2015*

**A. Juvenile Justice**

Over the past several years, reforms have been enacted to improve upon the State's juvenile justice system. In SFY 2011-12, a new funding stream was established for programs aimed at diverting youth from placement. In SFY 2012-13, the "Close to Home Act" required the transfer of OCFS placed youth from NYC to the care and custody of ACS. This reform commenced the process of moving youth closer to home and building upon a network of services to help them rehabilitate. Meanwhile, OCFS has been building on reforms in light of the 2009 Department of Justice report to improve conditions for youth in placement.

While these reforms move the system in the right direction, there is still work to be done. Currently, NYS is one of two states that have set the age of criminal responsibility at 16. This means that upon such age if a youth is arrested for a crime, no matter the seriousness of the allegation, such youth is tried as an adult. Advocates and stakeholders have been building the case that NYS should raise the age of criminal responsibility so that youth can be processed through the juvenile system instead. Research suggests that the impact of the adult prison system on youth have a negative effect on recidivism rates, mental health and ability to transition back into the community.

This year, the Committee will draw on testimony heard at the public hearing, held in 2013 to examine the laws governing the age of criminal responsibility, in order to work on ways to approach this issue. The Committee will also review the work of the Governor's Commission on Youth, Public Safety and Justice; scheduled to release its recommendations regarding the raising of the age of criminal responsibility at the end of the year. It is in the best interest of the youth in placement and the communities they come from to develop an age appropriate approach to the criminal justice system.

**B. Child Care**

Following up on the work of the Assembly Child Care Work Group and the legislative package on child care passed this year, the Committee will be exploring additional ways to promote access to quality child care. Quality child care is critical to a child's early learning and development. The Committee will continue to support measures that enhance access to child care for working families while ensuring high standards of care.

The Committee will continue to explore safety and quality measures among all child care settings. Research shows that early learning and development reduces risk factors later in a child's life. Whether such settings are child care centers, group family day care homes, family day care homes, school-age child care or legally exempt child care programs, it is of critical importance that high standards of quality are being met.

### **C. Child Protective Services (CPS)**

This year the Committee held two roundtables on child protective services practices. The focus of the roundtables was two-fold: the first emphasized the need for changes on the state level with the Statewide Central Register of Child Abuse and Maltreatment (SCR), while the second emphasized the need for effective local child protective practices. In both instances it is important that the State and local social services districts have a strong working relationship to improve services for vulnerable children. This year, the Committee will review information gathered to determine whether additional legislation is necessary to improve on SCR systems and practices, and to assist local districts in developing an immediate, effective and successful response to cases of alleged abuse and neglect. The Committee will also explore whether there are other ways the State can support effective CPS practices and examine funding streams not only for CPS but for prevention and intervention for families in crisis.