

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker
Andrew D. Hevesi, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Children and Families



Andrew D. Hevesi
Assembly 28th District

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

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, 2023

Dear Speaker Heastie,

As Chair of the Assembly Standing Committee on Children and Families, I am honored to present to you the 2023 Annual Report. Our Committee has worked diligently throughout the year to support initiatives that will uplift children and families in the state for generations to come. During the state budget process and beyond, our Committee has focused on ensuring families have access to quality child care and vital child care assistance. In addition, the Committee focused its efforts on strengthening the state's child welfare and juvenile justice systems to ensure impacted children and families receive necessary supportive services to promote future success.

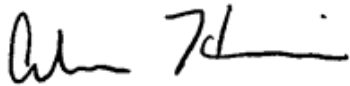
This year's enacted budget included meaningful investments in the state's child care system and workforce. To mitigate the financial burden of child care on families' budgets, the income threshold for child care assistance was raised from three hundred percent of the federal poverty level to eighty five percent of the state median income, making 113,000 families newly eligible for child care subsidies. Additional enhancements to the child care assistance program included reducing the co-payment cap from ten percent to one percent of a family's income and increasing the number of allowable absences from 24 to 80. To allow families to access child care assistance in a timelier manner, the enacted budget included a legislative initiative to allow local social services districts to implement a presumptive eligibility standard. In an effort to support the child care workforce, the final enacted budget allocated funding to provide Child Care Workforce Recruitment and Retention Grants. Such grants will provide bonus payments to up to 150,000 workers ranging from \$2,300 to \$3,000, depending on provider modality. Although a laudable one-time grant, the Committee will continue to push for sustainable investments in our state's child care workforce to assist in retainment and recruitment efforts this upcoming session.

To better support the rehabilitative purpose of the Family Court Act, the Committee advanced several legislative initiatives throughout the year to ensure justice system involved youth do not suffer from collateral consequences related to juvenile records. The Committee

advanced proposals to seal and expunge records related to Persons in Need of Supervision and Juvenile Delinquents to reduce future stigma and ensure these children are not excluded from future employment, housing, or educational opportunities due to the existence of such records.

As we look toward next session, the Committee will continue to pursue initiatives that support children and family in the state with a particular focus on improving the child welfare system and access to child care. In closing, I would like to thank you for your leadership and support of the Assembly Standing Committee on Children and Families, and I look forward to a productive 2024 Legislative Session.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew D. Hevesi". The signature is fluid and cursive, with a prominent initial "A" and a long, sweeping underline.

Andrew D. Hevesi, Chair
Committee on Children and Families

**2023 ANNUAL REPORT
OF THE
NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON CHILDREN AND FAMILIES**

**Andrew D. Hevesi
Chair**

Committee Members

Majority

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

Minority

Marjorie L. Byrnes (Ranker)
Ed Flood
Brian Maher
John W. McGowan
Sam Pirozzolo

Committee Staff

Rebecca Rasmussen - Executive Director/Committee Clerk

Program and Counsel Staff

Janice Nieves – Assistant Secretary for Program and Policy
Lauren Ryan – Legislative Analyst
Gabriella Cavanagh – Associate Counsel

TABLE OF CONTENTS

I. INTRODUCTION.....5

II. SUMMARY OF COMMITTEE ACTION

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.....12

C. CHILD WELFARE.....13

1. Legislative Initiatives.....13

2. Budget Initiatives.....15

III. PUBLIC HEARINGS.....16

APPENDIX A - 2023 Summary Sheet.....17

APPENDIX B - 2023 All Bills.....18

APPENDIX C - 2023 Bills Passed Assembly.....19

APPENDIX D - 2023 Bills Reported.....20

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

a. Expansion of Child Care Assistance Eligibility

A.982 Lunsford/S.812 Ramos; Signed Chapter 70

This law amends the eligibility requirements for child care assistance by allowing families in receipt of public assistance to be eligible for such benefits for a period of 24 months upon approval of the Office of Children and Family Services. Such families would continue to be eligible to receive assistance provided their income does not exceed 85% of the State's Median Income.

b. Window Coverings in Child Care Facilities

A.992 Rosenthal, L./ S.830 Brisport; Signed Chapter 80

This law amends current day care facility window covering requirements by removing certain facilities that do not serve young person's susceptible to harm by window coverings and ensuring that any window coverings installed prior to the effective date are maintained and secured in accordance with regulations established by the Office of Children and Family Services.

c. Child Care Assistance Delinking

A.4986-A Hevesi/S.5327-A Brisport; Passed Both Houses

This bill would clarify that local social services districts are not required to limit child care assistance to families based on the work, training, or education schedule of the parents or the number of hours the parents spend in work, training, or educational activities.

d. Differential Rate Payments for Child Care Providers

A.1734 Clark/S.4079 Brisport; Reported, Referred to Ways and Means

This bill would require local social services districts to establish differential payment rates for child care services at fifteen percent higher than the actual cost of care or the market rate,

whichever is less, when care is provided for children experiencing homelessness or children being cared for during nontraditional hours.

e. Cost Estimation Model for Childcare

A.1885 Clark/ S.3355 Kennedy; Reported, Referred to Ways and Means

This bill would require the Office of Children and Family Services to utilize a cost estimation model when establishing child care rates to determine the actual costs of providing child care. In an effort to keep providers stable and improve quality of care, the true cost of providing care would be compared to the current market rates to determine the adequacy of such rates.

f. Automatic Market Rate Increases for Child Care Assistance

A.2019 Clark/ S.3070 Ramos; Reported, Referred to Ways and Means

This bill would ensure that child care providers that serve children and families receiving child care subsidies are reimbursed for the true cost of providing care, equal to 100% of the applicable market related payments established by the Office of Children and Family Services.

g. Protection of Air Quality in Child Care Facilities

A.4875 Clark/ S.2486 Comrie; Reported Referred to Ways and Means

This bill would prohibit the Office of Children and Family Services from issuing or renewing a license to operate a child day care center or a head start day care center if the building or its outdoor recreational area would be adversely impacted due to its proximity to existing and known environmental hazards. Additionally, the bill would require the Office of Children and Family Services to consult with the Department of Environmental Conservation to determine if there are nearby hazardous facilities or contaminants; and to consult with the Department of Health if any new environmental or environmental health hazard arises.

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.

The Enacted budget for SFY 2023-2024 included Article VII proposals intended to enhance the Child Care Assistance Program. \$137.5 million was included to support an Article VII proposal to increase eligibility for child care subsidies up to 85% of the state median income, limit co-payments for families receiving subsidies to 1 percent of family income above the poverty level and require local social service districts to pay for up to 80 absences per child per provider per year. In addition, a proposal was included to allow local social services districts to utilize a presumptive eligibility standard for child care assistance.

The final 2023-24 enacted budget included funding for Facilitated Enrollment programs to expand eligibility to families earning up to 400% of the Federal Poverty Level who are otherwise ineligible

for the Child Care Assistance Program. Programs will also be authorized to continue with assisting families earning up to 85% of the State Median Income with enrollment in the state's child care program.

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. Orders of Protection Expiration Dates

A.6545 Davila/ S.7535 Brisport; Signed Chapter 402

This law expands the types of proceedings that are required to plainly state expiration dates of orders of protections and temporary orders of protection to include juvenile delinquent, persons in need of supervision, child abuse and neglect, and permanency hearing proceedings. Additionally, this bill would also make changes to the provisions relating to juvenile delinquent temporary orders of protections by authorizing such orders to initially be effective for up to 30 days with the ability to be extended for an additional 30 days, or for the time period that coincides with the period of adjustment rather than until a disposition is entered. If the juvenile successfully completes adjustment prior to the expiration of the order, the probation service, presentment agency, or attorney for the child may move to vacate the order upon completion. If the case is not adjusted or where efforts to adjust the case have been terminated unsuccessfully, the court must determine whether the presentment agency has made diligent efforts to file the petition and the reasons for any delay. The juvenile shall receive notice of the extension of any temporary order of protection and shall have a right to counsel and the opportunity to be heard.

b. Sealing and Expungement of Records in Person In Need of Supervision (PINS) Cases

A.6544 Hevesi/ S.7444 Brisport; Signed Chapter 691

This law:

- Requires the expungement of records related to a PINS proceeding when the proceeding is terminated in favor of the respondent;
- Requires notice to be sent to probation departments, designated lead agencies for PINS diversion and, if either presentment or law enforcement agencies have been involved,

- to such agencies, directing them to destroy or in certain circumstances, seal their records;
- Requires the attorney for the child be notified of the fact that notification was sent to seal and which agencies received it;
 - Requires, in instances where the case was diverted, the diversion agency to provide certification of such diversion to the probation and law enforcement agencies, which must then seal the records;
 - Allows the designated lead agency to have access to its own records if the PINS case was diverted, or the petitioner or presentment agency elect not to file a petition, when there this is a subsequent PINS involving the child;
 - Allows the local social services department if they are the designated agency, to have access to such records when necessary to determine what services had been arranged for or when necessary to comply with the child protective services investigations;
 - Allows a respondent whose proceeding was terminated in their favor prior to the effective date of this legislation to apply, with 20 days' notice to the petitioner, lead agency or presentment agency to have their records expunged as described;
 - Allows for a respondent to motion the court to expunge their records in the interest of justice; and
 - Requires all records to be automatically expunged upon the respondent's 21st birthday.

c. Updating the Notice Provided to Individuals in Child Abuse and Neglect Proceedings

A.7348 Dickens/ No Same As; Passed Assembly

This bill would update the notice provided to individuals in Article 10 proceedings of the Family Court, in which they have either accepted an allegation of or consented to a finding of abuse or neglect of a child, informing them of the consequences of doing so.

d. Updating Procedures Related to the Custodial Interrogation of Juveniles

A.1963 Joyner/S.1099 Bailey; Ordered to 3rd Reading

This bill would:

- clarify that prior to transporting a child to the police station, their parent or person legally responsible (PLR) be notified when an officer takes a child into custody without a warrant;
- require when the officer reasonably believes a parent or PLR will appear, they must take the child to their home, station house or other agreed upon location to release the child to the parent or PLR;
- clarify that if the officer doesn't expect the child's parent or PLR to appear for the child then the officer should take the child to family court or to the designated lead agency;
- clarify that if the child is not released to their parent or PLR or taken to family court, then the child can be taken to OCFS detention facility;
- clarify that if a child has allegedly committed a designated felony act and the family court is not session, the child must be taken to the most accessible magistrate;
- authorizes the officer to take a child to a facility designated as a suitable place for questioning a child by the chief administrator of the courts, or with consent from the parent or PLR to the child's residence, to be questioned for a reasonable period of time if the officer determines that questioning of the child is necessary prior to taking any action;

- prohibit a child from being questioned until the child has consulted with an attorney in person, by telephone or by video conference. This consultation cannot be waived; and
- require statements made by a child to be suppressed when a child has not consulted with an attorney or when the person notified of the child being taken into custody, and is present, has not been advised of the child's Miranda rights and voluntarily waived such rights.

e. Confidentiality and Expungement of Records in Juvenile Delinquency Cases

A.6289-B Hevesi/ S.3104-A Brisport; Ordered to 3rd Reading

This bill would:

- require automatic expungement for cases terminated in favor of the accused youth, including those dismissed, withdrawn, or voided, cases based on now-repealed marijuana and loitering for purposes of prostitution charges, and all arrests before the age of 21;
- list out factors that the court must use to determine a motion for expungement;
- ensure juvenile records are kept confidential;
- establish procedures for the destruction of juvenile records by the courts, law enforcement offices, probation offices, presentment agencies, and other relevant agencies;
- provide a cause of action for civil damages up to \$1,000 when law enforcement fails to destroy a youth's record; and
- prohibit the retention of DNA or other genetic material other than in specific instances, and use by law enforcement, or from being admitted into evidence.

2. Budget Initiatives

The Fiscal Year 2023-24 Enacted Budget continued support for the Raise the Age Initiative, in which multiple agencies work together to raise the age of 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 2022-2023 budget.

The Legislature also approved \$47.1 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.

The enacted budget also included Article VII language extending the legal authorization for the juvenile justice services Close to Home initiative in New York City through March 31, 2028. The Close to Home initiative was designed to ensure youth adjudicated as juvenile delinquents remain in close proximity to their home communities to reduce family separations and utilize community-based supports and services.

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. Rockland County Society for the Prevention of Cruelty to Children

A.6616 Zebrowski/ S.6538 Harckham; Signed Chapter 194

This law extends, for an additional two years, certain authorities for the Rockland County Society for the Prevention of Cruelty to Children.

b. Kinship Guardianship Assistance Program Eligibility Expansion

A.7349 Hevesi/ S.7448 Brisport; Signed Chapter 580

This law adds a child surrendered from foster care to the definition of a child who would be eligible for the Kinship Guardianship Assistance Program.

c. Updating the Mandated Reporter of Child Abuse and Neglect Training

A.7366 Hevesi/ S. 6463-A Mannion; Signed Chapter 646

This law requires the Office of Children and Family Services in consultation with the Justice Center for the Protection of People with Special Needs to update the mandated reporter training to include guidance on identifying an abused or maltreated child when such child is an individual with an intellectual or developmental disability.

d. Reporting of Youth Placed in Foster Care Settings and the Recruitment of Foster Parents

A.2176 Epstein/ S.5897 Brisport; Delivered to Governor

This bill would repeal current and establish new reporting requirements related to foster care youth and the recruitment of foster parents. The bill would require the Office of Children and Family Services to report biannually to the governor and legislature on the demographic characteristics of foster youth including the number of youth who need or are currently receiving specialized services either due to a mental health illness, or another disorder that may require additional supportive services, including specialized educational services; and the number of youth who were successfully kept out of care due to receiving preventative services.

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

A.2798 Hevesi/S.3119 Mannion; Veto Memo 42

This bill would require the Office of Children and Family Services to conduct a study to determine the number of children in foster care who have been diagnosed with developmental disability. The bill would also require the Office to produce a report detailing the demographics of the foster youth in the state, an evaluation of placement guidelines and regulations, and an analysis of the extent to which foster care youth are prepared for the transition to an independent living situation.

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

A.5960 Solages/ S.5900 Brisport; Veto Memo 56

This bill would establish a taskforce consisting of ten members to be appointed by specific departments and agencies to assess and evaluate the impact of adverse childhood experiences and provide recommendations for preventive and trauma-informed policies to the governor and legislature. The members of the task force would be required to have relevant experience in areas such as juvenile justice, social services, public health, childhood development, or education.

g. Rights During a Child Protective Services Investigation

A.1980 Walker/ S.901 Brisport; Reported Referred to Codes

This bill would require child protective services workers, at the initial point of contact with parents or caretakers, to inform them of their rights as it relates to the investigation. Such rights include the right to be informed of the allegations made against them; seek the advice of an attorney and have such attorney present during questioning; refuse entry of the child protective services worker; refuse to speak to or allow the child protective services worker to examine their child unless court ordered; and deny any requests made by the child protective services worker to submit to a drug or alcohol test or participate in a mental health evaluation, unless court ordered.

h. Confidential Reporting of Child Abuse or Maltreatment

A.2479 Hevesi/S.902 Brisport; Ordered to 3rd Reading

This bill would alter the current system of reporting abuse or maltreatment to the State Central Register (SCR) from an anonymous reporting system to a semi confidential reporting system by requiring a person to provide their name and contact information when making a call to the SCR. It would also ensure a report cannot be transmitted to the appropriate local social services district

for investigation if an individual fails to identify themselves and provide confidentiality standards for instances of potential release of identifiable information related to the caller.

i. Monthly Rent Subsidy for Foster Children Living in Independent Circumstances

A.2525-C Hevesi; Amended and Recommitted to Ways and Means

This bill would increase the age range of eligibility for the rent subsidy payable to a foster child living independently in certain circumstances from twenty-one to twenty-four years old. Such circumstances include that a child is at risk to reenter foster care due to lack of adequate housing or a child requests to reunite with their foster family.

j. Adding Kinship Caregivers to List of Indigent Persons Eligible for Counsel

A.2526 Hevesi/S.478 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 to the list, enabling these individuals to receive free legal assistance during the petitioning process.

k. Increase the State Reimbursement for Preventative Child Protective Services

A.2807 Hevesi/ S.5326 Brisport; Reported, Referred to Ways and Means

This bill would increase the statutory rate at which the State reimburses local social services districts for preventative child protective services from 65% to 75%. Localities use this funding stream to pay for child protective services and services to prevent children from entering or reentering foster care.

l. Virtual Training Opportunities for Child Protective Services Workers

A.7341 Hevesi/ No Same As; Reported, Referred to Rules

This bill would provide flexibility for child protective services workers to complete the required training on the Fundamentals of Child Protection through distance learning methods.

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 2023-2024, such as Child Advocacy Centers, Safe Harbour, Runaway and Homeless Youth programs and programs for kinship caregivers.

The enacted State Fiscal Year 2023-24 budget also included Article VII language that would increase the child welfare preventive housing subsidy from \$300 a month to \$725 a month. Families with open child protective services investigations, families receiving preventive services, families where children are reunifying from foster care, and foster youth ages 18 through 21 who are at risk of homelessness are eligible for this housing subsidy through their local department of social services.

III. PUBLIC HEARING

Mandatory Reporting and the Child Welfare System

On September 27th, 2023, the Assembly Standing Committee on Children and Families and the Subcommittee on Foster Care convened a hearing to examine the child welfare system and the mandatory reporting of child abuse and maltreatment in New York State. The hearing provided an opportunity for the Committee and Subcommittee to receive feedback and recommendations from individuals with expertise and lived experience in the state's child welfare system.

Throughout the hearing, witnesses shared deeply personal and often traumatic testimonies of their experiences with child welfare agencies. Such testimonies detailed instances of undue child separations and invasive Child Protective Services investigations, highlighting the need for further state intervention. The valuable testimony provided by stakeholders identified multiple factors across the state which reduce the efficacy of the mandatory reporting system including professionals trying to maintain positive rapport with their patients or clients while meeting the statutory requirements of mandated reporting, fearful of the ensuing liability standard for failure to report. Many medical professionals and domestic violence advocates emphasized the challenges they face when trying to build trust amongst their patients or clients when they are forced to make a call to the Statewide Central Register of Child Abuse and Maltreatment (SCR). Such statutory obligations hinder these professionals' ability to provide trauma informed care and reduce the willingness of their patients or clients to fully engage with their services.

The chairs of the Committee and Subcommittee and their respective members are continuing to review and discuss the evidence presented and to explore possible solutions including any appropriate legislative initiatives. The Committee and Subcommittee continue to work to protect our state's most vulnerable from child abuse and maltreatment.

APPENDIX A

2023 SUMMARY SHEET

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Children and Families

ASSEMBLY SENATE TOTAL
BILLS BILLS BILLS

BILLS REPORTED FAVORABLE TO:

Codes	7	0	7
Judiciary	0	0	0
Ways and Means	10	0	10
Rules	8	0	8
Floor	0	0	0
TOTAL	25	0	25

COMMITTEE ACTION

Held For Consideration	4	0	4
Defeated	0	0	0
Enacting Clause Stricken	2	0	2
REMAINING IN COMMITTEE	79	7	86

BILLS REFERENCE CHANGED TO:

TOTAL	0	0	0
--------------	----------	----------	----------

DISTRIBUTION: Clerk of the Assembly (1), Program & Committee Staff Library(1), Committee File(1), Speaker's Counsel(1)

APPENDIX B

2023 BILLS SIGNED INTO LAW

A.982 /S.812	Lunsford/Ramos	Expands the period of eligibility for child care assistance.	Chap. 70
A.992/S.830	Rosenthal, L./ Brisport	Amends the current requirements related to window coverings in child day care facilities.	Chap. 80
A.6544/S.7444	Hevesi/Brisport	Relates to the sealing and expungement of records in PINS proceedings.	Chap. 691
A.6545 / S.7535	Davila/Brisport	Relates to expiration dates of orders of protection and temporary orders of protection.	Chap. 402
A.6616 / S.6538	Zebrowski/ Harckham	Extends certain authorities for the Rockland County Society for the Prevention of Cruelty to Children.	Chap. 194
A.7349 / S.7448	Hevesi/Brisport	Expands eligibility for the Kinship Guardianship Assistance Program.	Chap. 580
A.7366 / S.6463-A	Hevesi/Mannion	Updates the mandated reporter of child abuse or maltreatment training.	Chap. 646

APPENDIX C

2023 BILLS PASSED ASSEMBLY

Bill #	Sponsor	Description	Last Action
A.2176 / S.5897	Epstein/Brisport	Requires reporting on foster care youth and the recruitment of foster parents.	Delivered to Governor
A.2798 /S.3119	Hevesi/Mannion	Requires reporting on the number of foster youth with a diagnosed developmental disability.	Veto Memo 42
A.4986-A /S.5327-A	Hevesi/Brisport	Ensures the amount of child care assistance a family receives is not based on the work, training, or education schedule of the parents.	Passed Both Houses
A.5960 / S.5900	Solages/Brisport	Establishes a task force to identify evidence-based and evidence informed solutions to reduce children's exposure to adverse childhood experiences.	Veto Memo 56
A.7348	Dickens/No Same As	Updates the notice provided to individuals in child abuse and maltreatment proceedings.	Passed Assembly

APPENDIX D

2023 BILLS REPORTED

Bill #	Sponsor	Description	Last Action
A.1734 /S.4079	Clark/Brisport	Requires local social services districts to establish differential payment rates for child care services.	Reported, Referred to Ways and Means
A.1885 /S.3355	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.1963 /S.1099	Joyner/Bailey	Updates the procedures related to the custodial interrogation of minors.	Ordered to 3 rd Reading
A.1980 /S.901	Walker/Brisport	Requires child protective services workers to inform parents or caretakers of their rights during an investigation of potential child abuse or maltreatment.	Reported, Referred to Codes
A.2019 /S.3070	Clark/Ramos	Provides for automatic market rate increases for child care assistance.	Reported, Referred to Ways and Means
A.2479 /S.902	Hevesi/Brisport	Establishes confidential reporting of child abuse or maltreatment to the State Central Register.	Ordered to 3 rd Reading
A.2525-C	Hevesi/No Same As	Expands the age range of eligibility for the rent subsidy payable to a foster child living independently.	Amended and recommitted to Ways and Means
A.2526 /S.478	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.2807 / S.5326	Hevesi/Brisport	Increases state reimbursement for preventative child protective services.	Reported, Referred to Ways and Means

A.4875/ S.2486	Clark/Comrie	Provides for the protection of air quality at child care facilities.	Reported, Referred to Ways and Means
A.6289-B/ S.3104- A	Hevesi/Brisport	Relates to confidentiality and expungement of records in Juvenile Delinquency Cases.	Ordered to 3 rd Calendar Reading
A.7341	Hevesi/No Same As	Allows child protective services workers to complete certain training requirements through distance learning methods.	Reported, Referred to Rules