

**A RESOLUTION TO BE SUBMITTED BY
LEGISLATORS MILLS, LORIGO, DIXON, MORTON, RATH & HARDWICK**

Re: Requesting the Governor Extend Section 13 of Chapter 329 of the Laws of 2009

WHEREAS, the Erie County Child Protection Services (CPS) has a tremendous backlog of cases; and

WHEREAS, Child and Family Services of Erie County has been performing CPS's after-hours work for several years now and has demonstrated a capability to handle the after-hours cases with sufficient skill so as to improve the overall operation of the entire CPS program; and

WHEREAS, the County Executive has stated that the State's Office of Children and Family Services did not find a single area of improvement for the work done by Children and Family Services in their 900 case audit in 2013; and

WHEREAS, the Child and Family Services Program helps to not only protect the lives and well-being of our area's children but they serve to decrease costs to the Department of Social Services (DSS) and alleviate the exceptional caseload our CPS workers are currently burdened with; and

WHEREAS, the Erie County Legislature, at the request of DSS, has approved the creation of additional caseworker positions both this year and last; and

WHEREAS, the workers hired last year were insufficient to alleviate the elevated number of cases each CPS worker handles and the employee positions approved this year will not be completely filled and trained for at least a period of six months; and

WHEREAS, the County Executive has already written Governor Cuomo requesting the approval of an extension on the amount of time our county is able to contract with the Children and Family Services Program listing the numerous other reasons as to why our county needs to continue to work with Children and Family Services to help serve our community's needs, and this honorable body agrees with that assessment.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby requests that the governor sign Senate Bill 6926A (Assembly Bill 9225B) into law; and be it further

RESOLVED, that this honorable body requests that the State look into allowing Erie County's Department of Social Services to contract with other not-for-profit organizations to help reduce the backlog of CPS cases; and be it further

RESOLVED, that certified copies of this resolution be sent to Governor Cuomo's Office, the Western New York Delegations to the New York State Senate and Assembly, County Executive Poloncarz's office, the Commissioner of the Erie County Department of Social Services Dankert-Maurer, and all other parties deemed necessary and proper.

Fiscal Impact: None



Bill S6926A-2013

Extends the provisions of chapter 329 of the laws of 2009

Extends the provisions of chapter 329 of 2009, amending the family court act and the social services law, relating to removing special powers granted to the society for the prevention of cruelty to children.

Details

- Same as:A9225B-2013
 - VersionsS6926-2013S6926A-2013
 - Sponsor:GALLIVAN
 - Law Section: Family Services
 - Law: Amd §§13 & 14, Chap 329 of 2009
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Actions

- Jun 10, 2014: SUBSTITUTED BY A9225B
 - Jun 2, 2014: ADVANCED TO THIRD READING
 - May 29, 2014: 2ND REPORT CAL.
 - May 28, 2014: 1ST REPORT CAL.1004
 - May 13, 2014: PRINT NUMBER 6926A
 - May 13, 2014: AMEND AND RECOMMIT TO CHILDREN AND FAMILIES
 - Apr 2, 2014: REFERRED TO CHILDREN AND FAMILIES
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Meetings

- Children and Families: May 28, 2014
-

Calendars

- Floor Calendar: May 29, 2014
 - Floor Calendar: Jun 2, 2014
 - Floor Calendar: Jun 3, 2014
 - Floor Calendar: Jun 9, 2014
 - Floor Calendar: Jun 10, 2014
-

Votes

VOTE: COMMITTEE VOTE: - Children and Families - May 28, 2014

Ayes (3):Felder, Bonacic, Young

Ayes W/R (3):Savino, Montgomery, Tkaczyk

Memo

BILL NUMBER:S6926A

TITLE OF BILL: An act to amend chapter 329 of the laws of 2009, amending the family court act and the social services law, relating to removing special powers granted to the society for the prevention of cruelty to children, in relation to extending certain provisions thereof

PURPOSE:

This bill extends the sunset period from 2014 to 2019 which exempts Erie and Rockland counties from certain provisions repealing special powers granted to the Society for Prevention of Cruelty to Children (SPCC).

SUMMARY OF PROVISIONS:

Section 1 amends section 13 of chapter 329 of the laws of 2009 to extend Erie County's exemption from the following provisions of chapter 329 of the laws of 2009:

(1) Amends subdivision (i) of section 1012 of the family court act, by removing SPCCs from the definition as a child protective agency;

(2) Amends subdivision (a) of section 1024 of the family court act, by removing SPCCs authority to take a child into protective custody;

(3) Amends subdivision I of section 1034 of the family court act, by removing SPCCs authority to conduct child abuse investigations;

(4) Amends paragraph (a) of subdivision I of section 417 of the social services law, by removing SPCCs authority to take a child into protective custody;

(5) Amends subdivision 2 of section 386 of the social services law, by removing SPCCs authority to visit group homes at its discretion;

(6) Amends subdivision 5 of section 372 of the social services law, by eliminating references to the SPCC;

(11) Removes the SPCC as being considered a duly authorized association within which children may be placed;

(12) Removes SPCCs authority to investigate reports of child abuse.

Section 1 also amends section 14 of chapter 329 of the laws of 2009 to continue to authorize officers or agents of an SPCC in Rockland County to obtain peace officer status and to exempt Erie County from the provisions above until August 11, 2019.

Section 2 states that this act shall take effect immediately.

JUSTIFICATION:

In 2009, the Senate passed a Bill that repealed special powers granted to the Society for Prevention of Cruelty to Children (SPCC). Erie County was specifically granted a five year sunset period from certain

provisions in the bill due to its fiscal circumstances. After five years, Erie County's fiscal circumstances have not improved and it still relies on this exemption to provide after hours CPS services to Erie County children and families through a

contract arrangement with Child and Family Services, an SPCC agency. Without this exemption, after hours CPS services would have to be provided directly from the Erie County Department of Social Services at an extremely high cost to the agency. This bill extends the original sunset period for five more years until August 11, 2019. Additionally, under the original 2009 bill, Rockland County was also granted a specific exemption to continue to authorize officers or agents of an SPCC in the county to obtain peace officer status. This bill extends this exemption to August 11, 2019 as well.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

None to the state

EFFECTIVE DATE:

Immediately.

Text

STATE OF NEW YORK

6926--A

IN SENATE

April 2, 2014

Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend chapter 329 of the laws of 2009, amending the family court act and the social services law, relating to removing special powers granted to the society for the prevention of cruelty to children, in relation to extending certain provisions thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Sections 13 and 14 of chapter 329 of the laws of 2009, amending the family court act and the social services law, relating to removing special powers granted to the society for the prevention of cruelty to children, are amended to read as follows:

S 13. Notwithstanding any provision of law to the contrary, the provisions of sections one, two, three, four, five, six, eleven and twelve of this act shall not apply to Erie county ~~[for five years after the effective date of this act. Prior to the end of the five year period, the legislature shall review the fiscal circumstances which necessitated the exemption of Erie county from the provisions of sections one, two, three, four, five, six, eleven and twelve of this act for further action].~~ PRIOR TO AUGUST 11, 2019, THE LEGISLATURE SHALL REVIEW THE FISCAL CIRCUMSTANCES WHICH NECESSITATED THE EXEMPTION OF ERIE COUNTY FROM THE PROVISIONS OF SECTIONS ONE, TWO, THREE, FOUR, FIVE, SIX, ELEVEN AND TWELVE OF THIS ACT FOR FURTHER ACTION.

S 14. This act shall take effect immediately; provided that the provisions of sections eight, ten and thirteen of this act shall expire ~~[five years after the effective date of this act]~~ AUGUST 11, 2019, when upon such date the provisions of such sections shall be deemed repealed.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

LBD14484-05-4

Comments



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