Committee on General Welfare

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**THE COUNCIL OF THE CITY OF NEW YORK**

**COMMITTEEE REPORT OF THE HUMAN SERVICES DIVISION**

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**COMMITTEE ON GENERAL WELFARE**

**Hon. Diana Ayala, Chair**

**March 2, 2023**

**PROPOSED INTRODUCTION NO. 436-A:** By Council Members Stevens, Williams, Riley, Louis, Nurse, Restler, Bottcher, Sanchez, Menin, Abreu, Farías and Narcisse

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a juvenile justice advisory board, and to repeal section 619 of chapter 24-b of the New York city charter in relation thereto

**PROPOSED INTRODUCTION NO. 522-A:** Council Members Bottcher, Ayala, Rivera, Ossé, Hanif, Abreu, Brewer, Louis, Ung, Gutiérrez, Won, Brooks-Powers, Hudson, Nurse, Joseph, Williams, Krishnan, Holden, Schulman, Velázquez, Gennaro, Narcisse, De La Rosa, Restler, Riley, Stevens, Moya, Sanchez, Menin, Marte, Dinowitz, Cabán, Powers, Avilés, Salamanca, Farías, Brannan, Lee and Paladino

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring mental health professionals in families with children shelters

1. **Introduction**

On March 2, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will consider Proposed Int. No. 436-A, sponsored by Council Member Stevens, and Proposed Int. No. 522-A, sponsored by Council Member Bottcher. The Committee previously held a hearing on Proposed Int. No. 436-A on October 13, 2022. At that hearing, the Committee heard testimony from the New York City Administration for Children’s Services, community-based organizations, service providers, and members of the public. The Committee previously held a hearing on Proposed Int. No. 522-A on September 13, 2022. At that hearing, the Committee heard testimony from the New York City Department of Social Services, impacted individuals who have formerly experienced or are currently experiencing homelessness, community-based organizations, service providers, and members of the public.

1. **Bill Analysis**

**Proposed Int. No. 436-A**

This bill would create a juvenile justice advisory board to advise the Mayor and the Council on issues relating to juvenile justice. The advisory board would include advocates who specialize in defending juveniles in family or Supreme Court and individuals who were formerly in a juvenile detention facility. The advisory board would meet at least quarterly. The bill would also require the advisory board to submit an annual report on the activities of the board over the preceding twelve months, its review and recommendations, and any challenges faced in providing feedback. Reporting pursuant to this bill would be required no later than one year after all required appointments are made, and annually thereafter.

Since being heard, this bill was amended to expand the size of the board to 20 members. The board would consist of 13 public members, with the addition of one individual who represents an organization that advocates for improvements in education, one individual who specializes in the provision of pediatric mental health services, one individual who specializes in housing adolescents, and two individuals who provide community-based youth development services, one of whom focuses on justice-involved youth and six individuals or family members of individuals, who were incarcerated, detained, or placed in a juvenile justice facility before their nineteenth birthday. These six individuals would each be appointed by the Borough Presidents and the Public Advocate.

**Proposed Int. No. 522-A**

This bill would require mental health professionals to be available in each families with children shelter to provide on-site or telehealth mental health services. The Department of Homeless Services (DHS) would be required to maintain a pro-rated ratio of at least one full-time mental health professional for up to every 50 families with children. This bill would also require DHS to annually report to the Mayor and the Speaker on the provision of mental health professionals in families with children shelters.

Since introduction, this bill was amended to allow mental health services to be provided via telehealth, and to include an implementation schedule. This bill would require DHS to ensure that mental health professionals are available in the 30 largest families with children shelters to provide on-site mental health services no later than July 31, 2024. DHS would be required to ensure that mental health professionals are available in all families with children shelters no later than July 31, 2025.

Proposed Int. No. 436-A

By Council Members Stevens, Williams, Riley, Louis, Nurse, Restler, Bottcher, Sanchez, Menin, Abreu, Farías and Narcisse

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to creating a juvenile justice advisory board, and to repeal section 619 of chapter 24-b of the New York city charter in relation thereto

..Body

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-922 to read as follows:

§ 21-922 Juvenile justice advisory board. a. There is hereby established a juvenile justice advisory board to advise and provide recommendations to the mayor, the council, and ACS on issues related to juvenile justice, including, but not limited to:

1. Risk factors associated with criminal behavior among youth and interventions to prevent such behavior;

2. The availability of community-based services directed at youth, including justice-involved youth, and their families that effectively prevent youth involvement in criminal behavior and aid in the re-entry and transition from juvenile detention or another court-ordered placement facility to the community. Such services include educational and mental health services, including services that address trauma, family support, and vocation;

3. The availability and efficacy of academic and vocational programming for youth in detention or another court-ordered placement in connection with a juvenile delinquency proceeding;

4. Challenges faced by youth upon discharge from detention or another court-ordered placement in connection with a juvenile delinquency proceeding; and

5. The particular challenges faced by justice-involved youth in foster care.

b. The board shall consist of 20 members, as follows:

1. The speaker of the council or their designee;

2. The commissioner of ACS or their designee;

3. The commissioner of probation or their designee;

4. The commissioner of youth and community development or their designee;

5. The chancellor of the department of education or their designee;

6. The director of the mayor’s office of criminal justice or their designee;

7. The commissioner of health and mental hygiene or their designee; and

8. 13 public members, including:

(a) The following mayoral appointees:

(1) 1 attorney who specializes in defending youth in family court;

(2) 1 attorney who specializes in defending youth in New York state supreme court;

(3) 1 individual representing an organization that advocates for improvements in education;

(4) 1 mental health professional who specializes in the provision of pediatric mental health services;

(5) 1 individual who specializes in issues of housing adolescents; and

(6) 2 individuals who provide community-based youth development services, 1 of whom focuses on justice-involved youth; and

(b) 6 individuals, or family members of individuals, who were incarcerated, detained, or placed in a juvenile justice facility before their nineteenth birthday, 1 of each to be appointed by the borough presidents and the public advocate.

c. 1. Board members shall serve without compensation.

2. All appointments required by this section shall be made no later than 120 days after the effective date of the local law that added this section.

3. Board members shall serve terms of 6 years and no such member shall be removed from office except by the appointing officer.

4. Any vacancy on the board shall be filled in the manner of the original appointment.

d. The board shall meet at least quarterly and choose a chairperson at its first meeting. The board shall keep a record of its proceedings and determine the rules of its own proceedings, provided that special meetings may be called by the chairperson upon their own initiative or upon receipt of a written request signed by at least 4 board members. Written notice of the time and place of such special meetings shall be given to each member at least 2 weeks before the date fixed by the notice for such special meeting.

e. The board shall, at least annually, hold a public meeting to solicit feedback from stakeholders and the public.

f. No later than 1 year after all appointments required by this section are made, and annually thereafter,the board shall submit to the mayor and the speaker of the council a report describing the activities of the board over the preceding 12 months, the results of the board’s review and recommendations pursuant to this section, and any challenges faced by the board in providing oversight and feedback pursuant to this section. Each such report shall be posted to ACS’s website upon submission to the mayor.

§ 2. Section 619 of chapter 24-b of the New York city charter is REPEALED.

§ 3. This local law takes effect immediately.

Session 12

AV/DR

LS 8678

2/22/23, 4:06pm

Session 11

LS 1943/15669

Int. 2079-2019

MKW

Proposed Int. No. 522-A

By Council Members Bottcher, Ayala, Rivera, Ossé, Hanif, Abreu, Brewer, Louis, Ung, Gutiérrez, Won, Brooks-Powers, Hudson, Nurse, Joseph, Williams, Krishnan, Holden, Schulman, Velázquez, Gennaro, Narcisse, De La Rosa, Restler, Riley, Stevens, Moya, Sanchez, Menin, Marte, Dinowitz, Cabán, Powers, Avilés, Salamanca, Farias, Brannan, Lee and Paladino

..Title

A Local Law

To amend the administrative code of the city of New York, in relation to requiring mental health professionals in families with children shelters

..Body

Be it enacted by the Council as follows:

            Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-330 to read as follows:

§ 21-330 Mental health professionals in families with children shelters. a. Definitions. For purposes of this section, the following terms have the following meanings:

Adult. The term “adult” means any person 18 years of age or older who is not a child.

Child. The term “child” means a person under 18 years of age or a person under 19 years of age if such person is a full-time student regularly attending secondary school or the equivalent level of vocational or technical training.

Families with children shelter. The term “families with children shelter” means temporary emergency housing provided to homeless families with children by the department or by a provider under contract or similar agreement with the department pursuant to subdivision (d) of section 900.2 of title 18 of the New York codes, rules and regulations.

Family with children. The term “family with children” means a family with at least 1 adult and 1 child, a couple including at least 1 pregnant individual, a single pregnant individual, or a parent or grandparent with a pregnant individual.

Mental health professional. The term “mental health professional” means a mental health professional licensed to practice in New York state including, but not limited to, the following: a licensed clinical social worker, a psychiatric nurse practitioner, a psychiatrist, or a psychologist.

Mental health services. The term “mental health services” means in-person or telehealth services including, but not limited to, (i) providing psychotherapy services, (ii) providing psychiatric assessments to diagnose mental illness, conduct diagnosis follow-up or coordinate clinical treatment plans, (iii) liaising with or providing referrals to emergency medical or psychiatric care providers or (iv) providing medication monitoring or management.

Operator. The term “operator” means a person that enters into a contract with the department to provide families with children shelter.

b. Provision of mental health professionals. Subject to appropriation, the department shall ensure that no later than July 31, 2024, mental health professionals are available in the 30 largest families with children shelters to provide on-site mental health services. Subject to appropriation, the department shall ensure that no later than July 31, 2025, mental health professionals are available in each families with children shelter to provide on-site mental health services. The department shall maintain a pro-rated ratio of at least 1 full-time mental health professional for up to every 50 families with children. The department shall consult with operators in determining the types of mental health professionals providing mental health services to families with children. The department shall ensure that operators utilizing telehealth services enter into a contract with a telehealth provider to provide such services and ensure that there is a confidential space and technology available for persons who utilize such services. The department shall ensure that individuals utilizing such services are informed that utilization of such services is voluntary and may require a mental health professional to report cases of suspected child abuse or maltreatment in accordance with title 6 of article 6 of the social services law. Unless required under title 6 of article 6 of the social services law or section 9.46 of the mental hygiene law, no information shared during utilization of mental health services shall be shared with shelter staff, the department, or contractors without express written consent.

c. Report. No later than December 31, 2024 and annually thereafter, the department shall submit to the mayor and the speaker of the council and post on its website a report regarding mental health professionals in families with children shelters as required by subdivision b of this section. Such report shall include, but not be limited to, the following information for the preceding calendar year for each families with children shelter:

1. The number of families with children served by such shelter;

2. The number of families with children served by such shelter receiving mental health services;

3. The number of mental health professionals providing mental health services to families with children;

4. A description of the types of mental health professionals providing mental health services to families with children;

5. A description of the mental health services provided to families with children, including, but not limited to, the types of mental health services; and

6. The average caseload of mental health professionals providing mental health services to families with children.

d. No information that is required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of information respecting individuals in shelter.

§ 2. This local law takes effect 180 days after it becomes law.

NLB/DR

LS #8106

2/17/2023