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

**COMMITTEE REPORT OF THE**

**Human SErvices Division**

*Jeffrey Baker, Legislative Director*

*Andrea Vazquez, Deputy Director, Human Services Division*

**COMMITTEE ON GENERAL WELFARE**

*Hon. Stephen Levin, Chair*

**October 21, 2021**

**INT. NO. 1716-A:** By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Rosenthal, Yeger, Rivera, Levin, Koslowitz, D. Diaz, Koo, Kallos, Louis, Dinowitz and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children’s services

**ADMINISTRATIVE CODE:** Amends section 21-901

**INT. NO. 1717-A:** By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Kallos, Louis, Dinowitz and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

**ADMINISTRATIVE CODE:** Adds section 21-919

**INT. NO. 1719-A:** By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

**ADMINISTRATIVE CODE:** Adds new subdivision 4 to section 21-902

**INT. NO. 1727-A:** By Council Members Levin, Chin, Ayala, Lander, Brannan, Reynoso, Adams, Ampry-Samuel, D. Diaz, Rosenthal, Koslowitz, Kallos, Dinowitz, Louis and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services and quarterly and annual reporting

**ADMINISTRATIVE CODE:** Amends section 21-902

**INT. NO. 1729-A:** By Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz and Barron

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report a case record during an ACS investigation

**ADMINISTRATIVE CODE:** Adds new section 21-921

1. **Introduction**

 On October 21, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will consider Int. No. 1716-A, sponsored by Council Member Adams, Int. No. 1717-A, sponsored by Council Member Ampry-Samuel, Int. No. 1719-A, sponsored by Council Member Chin, Int. No. 1727-A, sponsored by Council Member Levin, and Int. No. 1729-A, sponsored by Council Member Levin. The Committee previously held a hearing on these bills on October 31, 2019. At that hearing, those who testified included representatives from the Administration for Children’s Services (ACS), child welfare advocates, legal service providers and other interested parties.

1. **Child Welfare Background**

Reports of abuse and neglect go through the Statewide Central Register of Child Abuse and Maltreatment (SCR) hotline, maintained by the New York State Office of Children and Family Services.[[1]](#footnote-1) SCR staff relay information from the calls to the local child protective services for investigation, which is ACS in New York City.[[2]](#footnote-2) ACS is required to investigate all reports received to ensure the safety and well-being of every child listed on the report.[[3]](#footnote-3) A Child Protective Specialist (CPS) will take the following steps during an investigation:[[4]](#footnote-4)

* Have 24 hours to gather more information from the reporting person, if known.
* Make an unannounced visit to the child’s/youth’s home within 24 – 48 hours of the report. The CPS must see and speak to all children living in the home or with other caretakers, as well as all children/youth that are present in the home during the investigation.
* Speak to all adults or caretakers living in the home.
* Give the home a letter called a Notice of Existence, informing adults in the home that they have an open investigation of abuse or maltreatment. If an adult is not home, the CPS will leave a Notice of Home Visit letter informing residents of the visit.
* Check to make sure the home is free of hazards, has adequate food, safe sleeping arrangements, etc.
* Go to the child’s/youth’s school, talk to family members and other people who may know the child/youth, like a neighbor, building superintendent, teacher, doctor, nurse, NYPD, etc.
* During the investigation, if it is determined that services are required, ACS will refer adults in the home to services and work with them to help receive those services.
* The CPS may offer the family [Preventive Services](https://www1.nyc.gov/site/acs/child-welfare/preventive-services.page) (including mental health, substance use and other programs) or ask them to attend an Initial Child Safety Conference as a result of concerns noted during the investigation.

Within 60 days or fewer, the CPS determines whether or not the report is “indicated” or “unfounded”.[[5]](#footnote-5) If the CPS found enough evidence to support the claim that a child has been abused or neglected, the report is deemed as indicated and parents receive a letter from the CPS called a “Notice of Indication.”[[6]](#footnote-6) The letter notifies parents of their right to ask for a review of that decision. The request must be made within 60 days of the receipt of the letter.[[7]](#footnote-7) If the CPS did not find enough evidence to support the claim that a child has been abused or neglected, parents receive a letter from the SCR that the report was unfounded.[[8]](#footnote-8) However, even an unfounded report stays in the SCR for 10 years.[[9]](#footnote-9) All reports made to the SCR are kept on record until the youngest child in the family at the time of the investigation turns 28 years old.[[10]](#footnote-10) Once an investigation has been completed, results may vary, as follows:[[11]](#footnote-11)

* Closed with ACS, no services are needed.
* Referred to a community-based organization and closed with ACS.
* Referred to an ACS-contracted preventive provider in the family’s community, CPS closes its investigation.
* Referred to Family Court for court-ordered supervision. This occurs when there are heighted concerns, but the child/youth will remain in the community with their parent/caretakers. The family court could mandate the parent/caretaker to participate in services and for heightened oversight.
* Temporary placement in out-of-home care. This occurs when a child/youth cannot remain safely in the community with their parent/caretakers.

When a CPS and their supervisor determine that no safety interventions can be put in place to eliminate the imminent danger to a child, ACS will seek a Family Court order to place the child into foster care.[[12]](#footnote-12) When Family Court is not in session, an emergency removal can occur without the permission of a judge, but CPS is required to file a petition in Family Court within the next business day.[[13]](#footnote-13)

After an emergency removal occurs, ACS arranges for a parent to attend an Initial Child Safety Conference (ICSC) to discuss what a parent should do to keep a child safe.[[14]](#footnote-14) At the ICSC, parents have the right to bring family members or other supports.[[15]](#footnote-15) Additionally, parents are offered the services of a Parent Advocate.[[16]](#footnote-16) A Parent Advocate shares information about parents’ rights and responsibilities, explains the process and assists with any concerns or communication issues between a parent and ACS. [[17]](#footnote-17)

Under the Family Court Act, whenever a child is removed, the parent-respondent has a right to a hearing – known as a “1028” hearing[[18]](#footnote-18) – within three days of the removal.[[19]](#footnote-19) The court must also reunite the parent-respondent and the child unless it finds that doing so would put the child’s life or health at “imminent risk.”[[20]](#footnote-20) Courts have determined that the hearing must take into account the harm of removing a child from the home and balance that harm with the risk of keeping the child in the home.[[21]](#footnote-21)

Advocates have raised concerns that emergency removals have risen since the death of Zymere Perkins in October 2016.[[22]](#footnote-22) Historically, such high-profile child deaths have led to increased pressure on the child welfare system, with a greater number of reports to ACS of possible neglect and abuse.[[23]](#footnote-23) There has been a 54% increase in Family Court petitions filed since 2014 and advocates say that the number of months to get to a fact-finding (or trial) stage is rising again.[[24]](#footnote-24) This means that parents can be in programming, and children placed in foster care, sometimes for over a year even when no neglect or abuse allegations have yet been substantiated. The removal of children from their home is shown to have a deleterious effect on children.[[25]](#footnote-25) These children are traumatized from being separated from their biological parents.[[26]](#footnote-26) Research shows that they experience irreparable sense of loss, confusion and mistrust stemming from the separation.[[27]](#footnote-27) Children’s sense of time is narrowly focused on the present; thus, for young children periods of weeks or months are not comprehensible.[[28]](#footnote-28) The legislation the Committee is hearing today aims to ensure that parents and guardians are equipped with the information and resources that they need to effectively work with child protective specialists, ACS attorneys and family defense attorneys to ensure the safety and wellbeing of their children.

1. **Bill Analyses**

 **Int. No. 1716-A** – A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services

Int. No. 1716-A would require the Administration for Children’s Services (ACS) to report on the total number of emergency removals of children each quarter. This bill would also require ACS to provide such information disaggregated by race, community district, and primary language of each child and parent or person legally responsible for the child. The bill would take effect on April 1, 2022.

 **Int. No. 1717-A** – A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

Int. No. 1717-A would require ACS to report on various demographic information including race, ethnicity, gender, community district, and primary language of parents and children at every step of the child welfare system and to create a plan to address any disparities identified as a result of such reporting. The bill would take effect immediately.

 **Int. No. 1719-A** – A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

Int. No. 1719-A would require ACS to submit to the Council no later than July 31, 2022, and annually thereafter, information on how long it takes for the families of children in ACS custody to visit their child after a placement or transfer, as well as the number of children that are given placements in boroughs other than those which they are from, disaggregated by borough. The bill would take effect immediately.

 **Int. No. 1727-A** – A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services

Int. No. 1727-A would require ACS to report on emergency removal cases, which mean the removal of a child out of a home prior to a court hearing, when during the investigation of a report of abuse or neglect, ACS determines that such child is not safe at home. The bill would take effect on April 1, 2022.

 **Int. No. 1729-A** – A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report

Int. No. 1729-A would require ACS to provide a parent or caretaker written information about their right to request a fair hearing to challenge an indicated report made against a parent or caretaker during an ACS child protective investigation. The bill would take effect 150 days after it becomes law.

**Update**

On October 21, 2021, the Committee passed Introduction Nos. 1716-A, 1717-A, 1719-A, 1727-A , and 1729-A by a vote of six in the affirmative, zero in the negative, with zero abstentions.

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Int. No. 1716-A

By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Rosenthal, Yeger, Rivera, Levin, Koslowitz, and D. Diaz, Koo, Kallos, Louis, Dinowitz and Barron

A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children’s services

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as amended by local law number 44 for the year 2013, is amended to read as follows:

§ 21-901. Definitions. Whenever used in this chapter, the terms set forth below are defined as follows:

"Abused child" means a child or youth who has been subjected to "physical abuse," "sexual abuse" and/or "psychological abuse" as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"ACS" means the administration for children's services, or any successor agency charged with operating the city's child welfare system.

"Bias-based incidents" means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

"Case worker" means a diagnostic child protective specialist assigned to a zone.

"Child" means "youth" as defined in this section.

"Commissioner" means the commissioner of ACS.

"Detention" means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or

2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or

3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or

4. pending a return to a jurisdiction other than the one in which the youth is held; or

5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or

6. pending a hearing on an extension of placement; or

7. pending transfer to a facility upon commitment or placement by a court.

"Detention facility" means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

Emergency removal. “Emergency removal” means the removal of a child from such child’s place of residence or from the custody of such child’s parent, or person legally responsible for the child, pursuant to section 1024 of the family court act.

"Entry order" means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

"Fiscal year" means the fiscal year for the city of New York.

"IRT investigation" means an instant response team investigation conducted pursuant to the Administration for Children's Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

"Limited secure placement facility" means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

"Mechanical restraint" means the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

"Neglected child" means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"Non-secure detention or placement facility" means a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures.

"Physical injury or impairment" means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child's physical condition.

"Physical restraint" means the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation.

"Placement" means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

"Placement facility" means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

"Room confinement" means the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

"Secure detention or placement facility" means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

"Youth" means a person who resides in a juvenile detention or placement facility in the custody of ACS.

"Zone" means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 2. Subdivision 3 of section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is renumbered subdivision 5, and a new subdivision 3 is added to read as follows:

3. Emergency removal information. The following information regarding emergency removals shall be included in the quarterly report required pursuant to this section:

a. The total number of children removed from their parent or a person legally responsible for the children on an emergency basis;

b. The race and ethnicity, including two or more races or ethnicities where applicable, of each child and person legally responsible for such child of a family involved in an emergency removal;

                     c. The community district of the residence of any family from which a child has been removed on an emergency basis;

d. The primary language(s) spoken by the parent or person legally responsible for the child from whom a child has been removed on an emergency basis;

5. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local law takes effect April 1, 2022.

AS/ACK

LS # 9758

10/13/2021 11:45p

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Int. No. 1717-A

By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Kallos, Louis, Dinowitz and Barron

A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in the child welfare system and a plan to address racial and income disparities

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 21-919 to read as follows:

§ 21-919 Demographic reporting and plan to address disparities. a. Definitions. For purposes of this section, the following terms have the following meanings:

Demographic information. The term “demographic information” means race or ethnicity, gender, community district, primary language, and any other category ACS deems relevant.

Step in the child welfare system. The term “step in child welfare system” includes, but is not limited to, when a report is accepted by the state central register and triggers an investigation, when an ACS investigation results in a case being determined indicated, when an ACS investigation results in a case being unfounded, when a case is handled by ACS in a non-investigatory manner; when a child is removed from their residence or the custody of their parent or primary caretaker on an emergency basis pursuant to section 1024 of the family court act, when a child is removed from their residence or the custody of their parent or primary caretaker pursuant to section 1027 of the family court act, when ACS files a child protective proceeding in family court pursuant to article 10 of the family court act, when ACS opens a preventive services case, and any other instance that ACS deems relevant.

b. Beginning September 1, 2022, and annually on September 1 thereafter, ACS shall submit to the mayor and speaker of the council and post on its website demographic information of parents and children at each step in the child welfare system. Such report shall include, but need not be limited to:

1. The total number of parents at each step in the child welfare system, disaggregated by demographic information; and

2. The total number of children at each step in the child welfare system, disaggregated by demographic information.

c. ACS shall address any disparate outcomes identified based on demographic information reported pursuant to subdivision b of this section in equity assessments required pursuant to subchapter 6 of chapter 1 of title 3 of the administrative code of the city of New York.

                     d. No information that is otherwise required to be collected and reported pursuant to this section shall be collected and reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

ACK

LS 8787/12055

10/13/2021 9:09pm

Int. No. 1719-A

By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz and Barron

A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law 20 of 2006, is amended by adding a new subdivision 4 to read as follows:

4. Contact with foster care youth. Beginning with the report due July 31, 2022, the report shall include the following information regarding contact between a foster care youth, as defined by section 21-902.1, and such youth’s parent or caretaker:

                     a. The percent of foster care youth who had their first in-person visit within 2 days; 7 days; and 14 days from when the foster care youth were initially placed in ACS custody; and

                     b. The percentage of foster care youth entering foster care in the quarter who received an ACS placement in a borough other than that which they are from, disaggregated by borough.

§ 2. This local law takes effect immediately.

BM/ACK

LS # 10473

10/13/2021 7:56pm

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Int. No. 1727-A

By Council Members Levin, Chin, Ayala, and Lander, Brannan, Reynoso, Adams, Ampry-Samuel, D. Diaz, Rosenthal, Koslowitz, Kallos, Dinowitz, Louis and Barron

A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services andquarterly and annual reporting

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

§ 21-902 Quarterly Reports Regarding Child Welfare System. Beginning no later than July 31, 2006 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a report regarding New York City's child welfare system that includes, at a minimum, the following information:

1.  Child protective services. The following information regarding child protective services shall be included in the quarterly report, disaggregated by zone:

a. number of case workers employed and number of vacancies in case work staff at the end of the reporting period;

b. experience of case workers, broken down by years of experience in New York City's child  welfare  system  as  follows:  1-3  years  of experience; 3-5 years of experience; 5-7 years of experience; 7-9  years of experience; 9 or more years of experience;

c. average caseload of case workers;

d. number of case workers with a caseload of more than 15 cases;

e. number of level one supervisors;

f. experience of level one supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

g. number of level two supervisors;

h. experience of level two supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

i. number of child protective managers;

j. experience of child protective managers, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

k. number of reports of suspected child abuse or neglect referred to the zone for investigation, disaggregated by the type of case;

l. number of reports of suspected child abuse or neglect referred to the zone for investigation that were indicated during the reporting period, disaggregated by the type of case and whether the case was referred to preventive services, court mandated  services,  foster  care placement or closed;

m. number of unfounded cases, disaggregated by whether or not the case was referred to preventive services;

n. number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of case and whether the case was indicated or unfounded and the reason for closure;

o. number of reports of suspected child abuse or neglect referred to the zone that involved a family with respect to which ACS had received at least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case;

p. number of reports of suspected child abuse or neglect referred to the zone that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case;

q. number of reports of suspected child abuse or neglect referred to protective services for which protective services conducted a 72-hour case conference, disaggregated by the type of case;

r. number of reports of suspected child abuse or neglect referred to protective services for which  an  elevated risk conference was held, disaggregated by the type of case;

s. number of IRT investigations commenced; and

t. number of entry orders sought and number of entry orders obtained.

2. Family Reunification. The following information regarding family reunification shall be provided in the quarterly report:

a. number of families reunited from foster care during the reporting period, disaggregated by zone and by length of stay in foster care in six month intervals;

b. of all families reunited during the reporting period, the number of families receiving aftercare services, disaggregated by zone and by the type of services being received; and

c. number of children who entered foster care during the reporting period who had been in the custody of the child welfare system within the thirty-six months immediately preceding the reporting period, disaggregated by zone.

3. Emergency Removal Information. Definitions. For purposes of this subdivision, the term “emergency removal” means the removal of a child from the child’s residence or from the custody of such child’s parent or primary caretaker pursuant to section 1024 of the family court act. The following information regarding emergency removals shall be included in the quarterly report:

a. The total number of emergency removal cases in which a judge at the initial appearance following the filing of a child protective proceeding pursuant to article 10 of the family court act did each of the following:

(i) ordered that the child be remanded to the custody of the commissioner, pursuant to section 1027(b)(i)(A) of the family court act;

(ii) ordered that the child be placed with a relative or suitable person other than the child’s parent or primary caretaker, pursuant to section 1027(b)(i)(C) of the family court act;

(iii) ordered that a child be released to the care of the respondent parent with court ordered supervision pursuant to section 1027(d) of the family court act;

(iv) ordered that a child be released to a respondent parent without court ordered supervision pursuant to section 1027 of the family court act;

(v) ordered that the child be released to the care of such child’s non-respondent parent with court ordered supervision, pursuant to section 1027(d) of the family court act; or

(vi) ordered that the child be released to the care of such child’s non-respondent parent without court ordered supervision, pursuant to section 1027(d) of the family court act; or

(vii) issued no order respecting the child’s custody or release status pending further proceedings;

b. In cases in which a hearing pursuant to section 1027 of the family court act or section 1028 of the family court act was completed within 7 days of the initial filing, the total number of cases in which, following completion or settlement of the hearing, the court:

(i) remanded the child to the custody of the commissioner, pursuant to section 1027(b)(i)(A) of the family court act;

(ii) placed the child with a relative or suitable person other than the child’s parent or other person responsible for such child’s care, pursuant to section 1027(b)(i)(C) of the family court act;

(iii) released the child to the care of the respondent parent with court ordered supervision pursuant to section 1027(d) or 1028 of the family court act;

(iv) released the child to a respondent parent without court ordered supervision pursuant to section 1027 or 1028 of the family court act;

(v) released the child to the care of such child’s non-respondent parent with court ordered supervision pursuant to section 1027(d) of the family court act or section 1028 of the family court act; or

(vi) released the child to the care of such child’s non-respondent parent without court ordered supervision, pursuant to section 1027(d) or section 1028 of the family court act.

 [3.] 4. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local law takes effect April 1, 2022.

ACK

LS 7916

10/13/2021

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Int. No. 1729-A

By Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel, and Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz and Barron

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report

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 21-921 to read as follows:

§ 21-921 Information regarding the right to request a fair hearing. a. Where, following an ACS child protective investigation, a report against a parent or person legally responsible for the child is indicated, ACS shall provide to the parent or person legally responsible for the child written information regarding the process for requesting a fair hearing to challenge such indication, which begins at the state level with an administrative review, pursuant to section 422 of the social services law.

b. Such information will be provided in the designated citywide languages, as defined in section 23-1101.

§ 2. This local law takes effect 150 days after it becomes law.

ACK

LS 10210

10/13/2021

1. NYS Office of Children and Family Services, “Child Protective Services,” *available at* <https://ocfs.ny.gov/main/cps/> [↑](#footnote-ref-1)
2. *Id.* [↑](#footnote-ref-2)
3. Administration for Children’s Services, “A Parent’s Guide to a Child Abuse Investigation,” *available at* <https://www1.nyc.gov/site/acs/child-welfare/parents-guide-child-abuse-investigation.page> [↑](#footnote-ref-3)
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7. *Id.* [↑](#footnote-ref-7)
8. *Id.* [↑](#footnote-ref-8)
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15. *Id.* [↑](#footnote-ref-15)
16. *Id.* [↑](#footnote-ref-16)
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18. The right to a hearing is located in Section 1028 of the Family Court Act. [↑](#footnote-ref-18)
19. Family Court Act § 1028 [↑](#footnote-ref-19)
20. *Id.* [↑](#footnote-ref-20)
21. *Nicholson v. Scoppetta*, 3 N.Y.3d 357, 378 (N.Y. 2004) [↑](#footnote-ref-21)
22. Abigail Kramer with data analysis by Angela Butel, Center for New York City Affairs, “Child Welfare Surge Continues: Family Court Cases, Emergency Child Removals Remain Up,” pp. (July 2018) *available at* <http://www.centernyc.org/child-welfare-surge-continues/> [↑](#footnote-ref-22)
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