



Legislation Text

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Int. No. 1715

By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to the provision of counsel at fair hearings following an indicated report during an ACS investigation

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 Legal services for parents. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in a single consultation by a designated organization to a covered individual in connection with a covered proceeding.

Covered individual. The term “covered individual” means a parent or other person legally responsible for the care of a child.

Covered proceeding. The term “covered proceeding” means a fair hearing following an indicated report in an ACS investigation.

Designated citywide languages. The term “designated citywide languages” has the meaning ascribed to such term in section 23-1101.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide legal services.

Legal services. The term “legal services” means brief legal assistance or full legal representation.

b. Provision of legal services. Subject to appropriation, ACS shall establish a program to provide access to legal services for covered individuals in covered proceedings and shall ensure that, no later than January 31, 2021, all covered individuals receive access to brief legal assistance from a designated organization no later than immediately before a covered proceeding.

c. ACS shall annually review the performance of designated organizations and shall require each designated organization to identify the geographic areas for which such organization will provide legal services. For each such geographic area, ACS shall maintain a list of such organizations that provide such legal services.

d. Any legal services performed by a designated organization pursuant to this chapter shall not supplant, replace, or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement, or contract.

e. Nothing in this chapter or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official, or employee thereof.

§ 2. This local law takes effect immediately.

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