



Legislation Text

File #: Int 0492-2004, Version: A

Int. No. 492-A

By Council Members Boyland, James, Barron, Brewer, Comrie, Fidler, Liu, Martinez, Palma, Reed, Sanders, Seabrook, Stewart, Vann, Weprin, Clarke, Jackson, Baez, Gonzalez, Gerson, Koppell, DeBlasio, Katz and The Public Advocate (Ms. Gotbaum)

A Local Law to amend the administrative code of the city of New York, in relation to establishing a child welfare parent advocate advisory committee.

Be it enacted by the Council as follows:

Section 1. Chapter one of title 21 of the administrative code of the city of New York is amended by adding a new section 21-131 to read as follows:

§21-131 a. Definitions. For the purposes of this section, the following terms shall have the following meanings:

1. “Commissioner” shall mean the commissioner of the administration for children’s services.
2. “Foster care” shall mean the out-of-home placement of children who are in the care, custody or guardianship of the commissioner of the administration for children’s services.
3. “Foster care services” shall mean the care of abandoned, destitute, dependent, neglected or delinquent children or persons in need of supervision away from their own homes in institutions, foster homes or temporary shelters, in whole or in part at public expense, under the jurisdiction of a social services official or other authorized agency.
4. “Foster parent” shall mean any person with whom a child in the care, custody or guardianship of the commissioner of the administration for children’s services is placed for temporary or long-term care, as defined by section 371 of the social services law.
5. “Organization” shall mean any individual, association, corporation, not-for-profit corporation,

partnership, institution, trust, firm or other entity.

6. “Parent” shall mean any biological parent.

7. “Parent advocate” shall mean any parent who has been or has had a child placed in foster care or who has received preventive services and who works with and provides advice to parents regarding child welfare policies and practices and parental rights and responsibilities within the foster care system.

8. “Preventive services” shall mean supportive and rehabilitative services provided to children and their families for the purpose of:

(i) averting an impairment or disruption of a family which will or could result in the placement of a child in foster care;

(ii) enabling a child who has been placed in foster care to return to his or her family at an earlier time than would otherwise be possible; or

(iii) reducing the likelihood that a child who has been discharged from foster care would return to such care.

b. There shall be a child welfare parent advocate advisory committee. Such committee shall provide recommendations on the administration for children’s services policies regarding foster care services and preventive services.

1. The advisory committee shall consist of:

(i) ten parents or parent advocates from organizations providing foster care services pursuant to a contract with the administration for children’s services or receiving services directly from the administration for children’s services, or from organizations providing preventive services pursuant to a contract with the administration for children’s services or receiving services directly from the administration for children’s services, six of whom shall be appointed by the commissioner and four of whom shall be appointed by the speaker of the city council;

(ii) four foster parents, three of whom shall be appointed by the commissioner and one of whom shall

[be appointed by the speaker of the city council](#); [and](#)

(iii) [four parents who have adopted children formerly in the care, custody or guardianship of the commissioner, three of whom shall be appointed by the commissioner and one of whom shall be appointed by the speaker of the city council.](#)

[2. Each member of the advisory committee will serve for a term of two years to commence on the effective date of the local law that added this section and may be removed from office by the appointing official for cause. Any vacancy occurring other than by expiration of term shall be filled by the official who appointed the member in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. The commissioner shall designate one member to serve as chairperson and one member to serve as vice-chairperson.](#)

[3. Each member of the advisory committee shall serve without compensation.](#)

[4. No person shall be ineligible for membership on the advisory committee because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.](#)

[5. The advisory committee shall meet at least four times a year.](#)

[6. The advisory committee may request and shall receive from the administration for children's services all documents otherwise available to the public, including, but not limited to, procedures, requests for proposals, contracts, training curricula, year-end reviews and descriptions of program evaluation systems. The advisory committee may not receive information which is required by law to be kept confidential or which is privileged as attorney-client communications, attorney work products or material prepared for litigation.](#)

[7. The advisory committee shall submit to the mayor and to the speaker of the city council on an annual basis, no later than October thirtieth of each year, a report. Such report shall include, but not be limited to, recommendations regarding the improvement of services provided by the city and non-government related service delivery systems with respect to foster care services, preventive services and any other aspects of the](#)

child welfare system such committee deems relevant. Such reports shall be considered public information.

§2. Effect of invalidity; severability. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

§3. This local law shall take effect ninety days after its enactment into law.

BK
LS#2
12/13/05