



Legislation Text

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Int. No. 471

By Council Members de Blasio, Brewer, Comrie, Dickens, Fidler, Foster, Gennaro, Gentile, Gerson, Gonzalez, James, Koppell, Lappin, Liu, Nelson, Recchia Jr., Sanders Jr., Seabrook, Sears, Vann, Weprin, White Jr., Mark-Viverito 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 temporary commission to conduct a review of New York City's child welfare system and offer recommendations for reform.

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 21-123.1 to read as follows:

§21-123.1. Temporary commission to study New York City's child welfare system. a. There is hereby established a temporary commission to study New York City's child welfare system (the "Commission"), which shall research the policies and practices of New York City agencies responsible for protecting New York City's children from abuse and neglect and provide a report with recommendations based on its review. At a minimum, the Commission's research in connection with its work shall include the following:

1. review and analysis of written agency policies relating to preventive services and the conduct of child protective investigations, including protocols, procedures, training materials and memoranda;

2. review and analysis of budgets, requests for proposals, contracts with and evaluations of foster care and preventive services agencies, proposed legislation, training of child protective services, preventive services and foster care workers and supervisors, publications regarding child welfare services and policies and contractor evaluation systems;

3. review and analysis of all written policies and procedures concerning coordination with other city

agencies in the investigation of reports of suspected abuse and neglect and prevention of child maltreatment;

4. review and analysis of the structure and operation of offices responsible for investigating reports of suspected abuse and neglect and the supervisory structure for child protective services;

5. review and analysis of the role of child advocacy centers in facilitating the investigation of reports of suspected abuse and neglect;

6. review and analysis of at least 30 child protective services case files, selected at random from field offices citywide, from which any information necessary to identify the subject of the report or other persons named in the report shall be redacted; and

7. input from personnel of each of the child protective services field offices citywide;

8. input from personnel of private agencies that provide preventive services in New York City;

9. input from personnel of private agencies that provide foster care services in New York City; and

10. input from families who currently have and have within the past five years had contact with the city's child welfare system.

b. The Commission shall consist of 7 members, of which the Mayor shall appoint four and the speaker of the city council shall appoint three. At its first meeting, the Commission shall select a chairperson from among its members by majority vote of the Commission.

c. Membership on the Commission shall not constitute the holding of a public office and members of the Commission shall not be required to take and file oaths of office before serving on the Commission.

d. No person shall be ineligible for membership on the Commission because such person holds any public office, employment or trust, nor shall any person be made ineligible for or forfeit such person's right to any public office, employment or trust by reason of such appointment.

e. The Commission may request and may receive information from any agency as may be necessary to carry out the provisions of this chapter, in accordance with applicable laws, rules and regulations, including, but not limited to, the exceptions to disclosure of agency records contained in the public officers law. Nothing in

this chapter shall be construed as limiting any right or obligation of agencies pursuant to the public officers law, including the exceptions to disclosure of agency records contained in such law, with respect to access to or disclosure of records or portions thereof. The Commission also may request information from any private organization providing foster care, preventive services or after care services necessary to carry out the provisions of this chapter.

f. No later than twelve months from the effective date of the local law that added this chapter, the Commission shall submit to the mayor and the speaker of the council a report containing the findings and recommendations of the Commission based upon its review.

g. The Commission will be dissolved upon submission of the report required by subdivision f of this section.

§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 shall continue in full force and effect.

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

MRM
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