



## Legislation Text

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Int. No. 195-A

By Council Members Gonzalez, Palma, Comrie, Dromm, Nelson, Jackson, Gennaro, Van Bramer, Lappin, Gentile and Lander (by request of the Mayor)

A Local Law to amend the New York city charter and the administrative code of the city of New York in relation to merging the department of juvenile justice and the administration for children's services, and to repeal chapter 28 of such charter and subparagraph iii of paragraph 5 of subdivision a of section 12-307 of such code in relation thereto.

Be it enacted by the Council as follows:

Section One. Legislative history and intent. The goals of the New York City juvenile justice system are to ensure public safety and to help youth within the system become healthy, productive and law abiding New Yorkers. New York City recognizes what studies have shown: institutionalizing youth involved in the juvenile justice system does little to advance those goals. Accordingly, since 2002, the City reduced the number of youth being sent to State-administered residential facilities by 56%. The City also developed alternative to placement and detention programs that focus on addressing the underlying causes of a youth's delinquency such as the Juvenile Justice Initiative and the Collaborative Family Initiative. Most recently, in January 2010, Mayor Bloomberg announced the integration of the Department of Juvenile Justice ("DJJ") with the Administration of Children Services ("ACS") in order to expand programming designed to reduce recidivism among youth involved in the juvenile justice system. ACS will assume all of DJJ's responsibilities, including the administration of juvenile detention facilities and ensuring the well-being of youth in its care.

With the integration of DJJ into ACS, the New York City Council intends to further reduce the City's reliance on institutional placement of justice involved youth by increasing the availability of alternative to detention and placement programs. Studies show that alternative to detention and placement programs are less

costly than institutionalization and that they are more effective at reducing recidivism, as youth learn how to relate to situations within their communities and with the people they interact with most. The Council further finds that the integration of DJJ into ACS will produce cost savings and operational efficiencies by combining two agencies that serve overlapping populations. With the integration of DJJ into ACS, the Council finds there is an opportunity to work with youth and their families to set youth on a path toward school, work and successful adulthood. The integration will serve to strengthen and enhance the services available to justice involved youth. These services will continue to address their special needs including, but not limited to, mental health issues or drug and alcohol dependency, so that they are able to get the help that they need and stay in their communities whenever possible.

§ 2. Section 616 of the New York city charter, as amended by the electors at the general election on November 6, 2001, is amended to read as follows:

§616. Deputies. The commissioner shall appoint at least [one] three deputy [commissioner] commissioners.

§3. Section 617 of the New York city charter, subdivision b as amended by local law 52 for the year 2003 and subdivision c as added by local law 25 for the year 2005, is amended to read as follows:

§ 617. Powers and duties. a. The commissioner shall have the powers and perform the duties of a commissioner of social services under the social services law for the purpose of fulfilling his or her responsibilities under this [chapter] section. The commissioner shall have the power to perform functions related to the care and protection of children including, but not limited to:

1. performing the functions of a child protective service, including without limitation, the receipt and investigation of reports of child abuse and maltreatment;
2. providing children and families with preventative services for the purpose of averting the impairment or disruption of families which could result in the placement of children in foster care; enabling children placed in foster care to return to their families; and reducing the likelihood that a child who has been discharged from

foster care may return to such care;

3. providing suitable and appropriate care for children who are in the care, custody, or guardianship of the commissioner;

4. providing appropriate daycare, Head Start and other child-care services; and

5. providing services to ensure that legally responsible parents provide child support.

b. Wherever the powers and duties of an agency other than the administration for children's services as set forth in the charter or administrative code confer any authority over the areas of child welfare, child development or child support enforcement within the jurisdiction of the commissioner of children's services pursuant to section six hundred seventeen of this chapter, such powers and duties shall be deemed to be within the jurisdiction of the administration for children's services and shall be exercised by such administration; provided that such other agency may exercise such powers and duties where required by state or federal law, or, with respect to child support enforcement or determinations of eligibility for subsidized child care, by the department of social services as directed by the mayor.

c. No agency practice, including but not limited to any tracking system, record keeping or reporting system or data collection system or device, may prejudice the rights of, stigmatize or otherwise harm a person because of his or her gender or relationship to a child or children involved in a child protective matter. To the extent that requirements of this subdivision are subject to state approval, the agency will request permission to make any changes in policy necessary to comply with the provisions of this subdivision within ninety days of the effective date of the local law that added this subdivision. The agency shall promulgate such rules as are necessary for the purposes of implementing and carrying out the provisions of this subdivision.

§ 4. Chapter 24-B of the New York city charter is amended by adding new sections 618 and 619 to read as follows:

§ 618. The commissioner shall, in addition:

a. establish, initiate, control, maintain and operate secure and non-secure facilities for the temporary

care and maintenance away from their own homes only of children alleged to be or adjudicated as juvenile delinquents and only of children alleged, adjudicated or convicted as juvenile offenders in detention as defined in subdivision one of section five hundred ten-a of the executive law;

b. contract with other public and private agencies for such services, in order to ensure that adequate, suitable, and conveniently accessible accommodations and proper care will be available when required for detention, within the appropriations available therefore;

c. establish such regulations for the operation of secure and non-secure detention facilities as may be necessary and not inconsistent with state or local law or with applicable rules and regulations of any state or city agency having jurisdiction. Notwithstanding any other provision of law, the commissioner shall provide or secure the availability of conveniently accessible and adequate non-secure detention facilities, certified by the state office of children and family services, as resources for the courts in the city of New York pursuant to provisions of the family court act, the criminal procedure law, and section five hundred ten-a of the executive law;

d. develop, implement and maintain systems to collect, store and disseminate data concerning juvenile delinquency, juvenile crime and the juvenile justice system;

e. participate with other city agencies in the development, implementation and maintenance of a juvenile justice information system, to include (i) an index of records of the family court and department of probation related to proceedings conducted pursuant to article three of the family court act, and (ii) other information, including but not limited to age, sex, race, date of birth, charges, dispositions, warrants, calendar information and case management data connected with such cases, such records to be made available to the family court, the probation department, and an agency with which the child is placed or committed upon request, and otherwise to be kept confidential except as provided by law;

f. plan, develop, conduct and supervise programs, including diversion and aftercare for previously detained juveniles, for the prevention of juvenile delinquency and juvenile crime and for youths arrested,

charged, adjudicated or convicted of having committed delinquent or criminal acts, and conduct research and demonstration projects related thereto.

§619. Advisory board. a. There shall be in the department a juvenile justice advisory board consisting of eleven members.

b. It shall be the duty of the board to advise the commissioner and make recommendations. The board shall submit an annual report of its activities to the mayor.

c. The members of the board shall be appointed by the mayor and shall serve at the pleasure of the mayor. Five of the members, one resident from each of the five boroughs of New York city, shall be recommended for appointment by a majority vote of the council members of the respective borough.

d. The mayor shall designate one of the members of the board to be chair and one to be vice chair, neither of whom shall be employees of the city of New York.

e. The members of the board shall serve without compensation.

§5. Chapter 28 of the New York city charter is REPEALED.

§6. Subparagraph (iii) of paragraph 5 of subdivision a of section 12-307 of the administrative code of the city of New York is REPEALED.

§7. Any agency or officer to which are assigned by or pursuant to this local law any functions, powers and duties shall exercise such functions, powers and duties in continuation of their exercise by the agency of officer by which the same were heretofore exercised and shall have power to continue any business, proceeding or other matter commenced by the agency or officer by which such functions, powers and duties were heretofore exercised. Any provision in any law, rule, regulation, contract, grant or other document relating to the subject matter of such functions, powers or duties, and applicable to the agency or officer formerly exercising the same shall, so far as not inconsistent with the provisions of this local law, apply to the agency or officer to which such functions, powers and duties are assigned by or pursuant to this local law.

§8. Any rule or regulation in force on the effective date of this local law, and promulgated by an agency

or officer whose power to promulgate such type of rule or regulation is assigned by or pursuant to this local law to some other agency or officer, shall continue in force as the rule or regulation of the agency or officer to whom such power is assigned, except as such other agency or officer may hereafter duly amend, supersede or repeal such rule or regulation.

§9. If any of the functions, power or duties of any agency or part thereof is by or pursuant to this local law assigned to another agency, all records, property and equipment relating to such transferred function, power or duty shall be transferred and delivered to the agency to which such function, power or duty is so assigned.

§10. No existing right or remedy of any character accruing to the city shall be lost or impaired or affected by reason of the adoption of this local law.

§11. No action or proceeding, civil or criminal, pending at the time when this local law shall take effect brought by or against the city or any agency or officer, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that functions, powers and duties of any agency or officer party thereto may by or pursuant to this local law be assigned or transferred to another agency or officer, but in that event the same may be prosecuted or defended by the head of the agency or the officer to which such functions, powers and duties have been assigned or transferred by or pursuant to this local law.

§12. Whenever by or pursuant to any provision of this local law, functions, powers or duties may be assigned to any agency or officer which have been heretofore exercised by any other agency or officer, officers and employees in the classified city civil service who are engaged in the performance of such functions, powers or duties may be transferred to the agency to which such functions, powers or duties may be assigned by or pursuant to this local law.

§13. Nothing contained in this local law shall affect or impair the rights or privileges of officers or employees of the city or of any agency existing at the time when this local law shall take effect, or any provision of law in force at the time when this local law shall take effect and not inconsistent with the

provisions of this local law, in relation to the personnel, appointment, ranks, grades, tenure of office, promotion, removal, pension and retirement rights, civil rights or any other rights or privileges of officers or employees of the city generally or officers or employees of any agency.

§14. Officers and employees in the classified municipal services who are transferred to the Administration for Children's Services pursuant to the enactment of this local law shall be transferred without further examination or qualification and shall retain their respective civil service classification and status; and shall be transferred without affecting existing compensation or pension or retirement rights, or other privileges or obligations of such officers and employees.

§15. It is the intent of this local law to protect those rights enumerated in sections thirteen and fourteen as they apply to officers and employees in the classified municipal services of the Department of Juvenile Justice and the Administration for Children's Services who are affected by the merging of the Department of Juvenile Justice with the Administration for Children's Services. In the event of a reduction in force or the elimination of a job title at the Administration for Children's Services, all affected employees, including employees who transferred to that agency as a result of the merger authorized by this local law, shall be entitled to all the protections afforded under applicable provisions of the civil service law and collective bargaining agreements.

§16. Any license, permit or other authorization in force on the effective date of this local law, and issued by an agency, where the power of such agency to issue such license, permit or authorization is assigned by or pursuant to this local law to another agency or officer, shall continue in force as the license, permit or authorization of such other agency, or officer, except as such license, permit or authorization may expire or be altered, suspended or revoked by the appropriate agency or office pursuant to law. Such license, permit or authorization shall be renewable in accordance with the applicable law by the agency or officer with such power pursuant to law, including this local law.

§17. The provisions of this local law shall be severable and if any phrase, clause, sentence, paragraph,

subdivision or section of this local law, or the applicability thereof to any person or circumstance, shall be held invalid, the remainder of this local law and the application thereof shall not be affected thereby.

§18. This local law shall take effect immediately or as soon as practicable thereafter as a transfer of functions may be effectuated pursuant to this local law and subdivision 2 of section 70 of the civil service law; provided, however, that any or all actions necessary to effectuate such transfer may be taken prior to such effective date, and such actions may include an agreement between the department of juvenile justice and the administration for children's services as to any matters relating to the administration of contracts entered into by the department of juvenile justice prior to such effective date.

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