

RESOLUTION NO. 477 -2020, ADOPTING LOCAL LAW NO. 28-2020, A LOCAL LAW REQUIRING INCREASED SCRUTINY FOR CHILD PROTECTIVE SERVICES CASES INVOLVING CHILDREN WITH AUTISM SPECTRUM DISORDER OR WITH OTHER DEVELOPMENTAL DISABILITIES AND SETTING ESCALATION PROCESSES FOR CERTAIN REPORTS RECEIVED BY THE DEPARTMENT OF SOCIAL SERVICES (“PART ONE OF THE CPS TRANSFORMATION ACT”)

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 3, 2020, a proposed local law entitled, "**A LOCAL LAW REQUIRING INCREASED SCRUTINY FOR CHILD PROTECTIVE SERVICES CASES INVOLVING CHILDREN WITH AUTISM SPECTRUM DISORDER OR WITH OTHER DEVELOPMENTAL DISABILITIES AND SETTING ESCALATION PROCESSES FOR CERTAIN REPORTS RECEIVED BY THE DEPARTMENT OF SOCIAL SERVICES (“Part One of the CPS Transformation Act”)**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that the said local law be enacted in form as follows:

LOCAL LAW NO. 28 -2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW REQUIRING INCREASED SCRUTINY FOR CHILD PROTECTIVE SERVICES CASES INVOLVING CHILDREN WITH AUTISM SPECTRUM DISORDER OR WITH OTHER DEVELOPMENTAL DISABILITIES AND SETTING ESCALATION PROCESSES FOR CERTAIN REPORTS RECEIVED BY THE DEPARTMENT OF SOCIAL SERVICES (“Part One of the CPS Transformation Act”)

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that reports of suspected child abuse, neglect and/or maltreatment which come to the Child Protective Services unit (CPS) within the Department of Social Services (DSS) sometimes involve children on the autism spectrum and children with other developmental disabilities.

This Legislature further finds and determines that communicating effectively with and fully understanding the behavior of children on the autism spectrum and children with other developmental disabilities requires specific expertise which the typical CPS caseworker may not possess.

This Legislature further finds and determines that in order to ensure children on the autism spectrum and children with other developmental disabilities who are the subject of

reports to CPS are protected as well as possible, all reports which involve such children must be assigned to a specialized team which has been specifically trained to handle such cases, and when statutory caseload limits prohibit such assignment, these cases must be automatically reviewed by a senior supervisor within CPS.

This Legislature further finds and determines that when CPS reports are received from multiple sources they should be escalated to a review by a senior supervisor.

This Legislature further finds and determines that CPS has added a new designation for reports, "Unfounded Due to Insufficient Evidence," to reflect the reality of why many reports are concluded. Accordingly, when CPS receives a report of a new incident on a case following a previous report which was determined to be "Unfounded Due to Insufficient Evidence," such reports will trigger an automatic review by a senior supervisor within CPS.

Therefore, the purpose of this local law is to institute increased scrutiny for CPS cases involving children on the autism spectrum or with other developmental disabilities and to set escalation processes for certain reports within DSS.

Section 2. Amendments.

Article X of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended and a new section is added as follows:

Article X. Department of Social Services

* * * *

§ A10-4. Procedures for Certain Child Protective Services Reports

A. Reports Involving Children with Autism Spectrum Disorder and/or with Other Developmental Disabilities

- (1) When Child Protective Services is in receipt of a report involving a child or children with Autism Spectrum Disorder and/or with developmental disabilities, said report shall be referred to the CPS Special Needs Unit, upon the Unit's inaugural team of caseworkers' completion of the necessary training, for the requisite investigation and follow up.**
- (2) The Commissioner is directed to establish caseload standards specifically for the CPS Special Needs Unit, not to exceed the standards established in § A10-3 of this Article.**

B. Recurring Reports

- (1) The following conditions shall trigger an immediate review by a team consisting of a Caseworker, Caseworker Supervisor and a Senior Supervisor:**
 - a. When Child Protective Services is in receipt of four (4) or more reports of unique incidents related to one case; or**
 - b. When Child Protective Services is in receipt of six (6) or more reports of the same incident.**

(2) The team shall review the case to determine whether further investigation is needed and to collaborate with the caseworker to determine if the case should be indicated.

C. Reports Following Reports Unfounded Due to Insufficient Evidence
When Child Protective Services is in receipt of a report of alleged child abuse, neglect and/or maltreatment where a prior case relating to the same child and/or subject of the previous report was deemed unfounded due to insufficient evidence, said report shall be reviewed by a Caseworker Supervisor who shall, with the assigned Caseworker, determine the management plan for the investigation.

* * * *

Section 3. Applicability.

This law shall apply to all reports received by Child Protective Services on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), and/or (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect with six (6) months of its filing with the Secretary of State.

[] Brackets denote deletion of language.
___ Underlining denotes addition of new language.

DATED: June 23, 2020

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 9, 2020

After a public hearing duly held on July 6, 2020
Filed with the Secretary of State on July 23, 2020