

New York Public Welfare Association

2023 Legislative Summary



July 2023

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Over the course of the 2023 Legislative Session, the New York Public Welfare Association (NYPWA) tracked roughly 515 individual pieces of legislation. The NYPWA tracks bills that could have a direct impact on local departments of social services (LDSS)—and issued official position memos, offered analysis, and remained in contact with legislative committees and staff on various bills and policy matters. This document summarizes pertinent bills that were passed by both the state Assembly and Senate and which were acted on, or await action by, the Governor. Click on the bill links for more information about individual bills.

2023 Bills Passed by the Both Legislative Houses

I. Child Welfare/Juvenile Justice Legislation

1. [A.5394/S.6720](#): Establishes procedures regarding orders of post-termination visitation and/or contact between a child and such child's parent and for modification of such orders.

Impact:

This bill would allow post-termination visitation and/or contact between children and their birth parents in termination of parental rights (TPR) proceedings provided it is deemed in the best interest of the child. It does not require consent of ALL parties in order to enable the court to order post-adoption contact or visitation agreements. The only party with any right to not consent to visitation/contact is a child over 14. Although the statute would permit the foster parent to object by withholding consent, at the hearing the court is to decide if the consent to visits or contact is being withheld “unreasonably,” which would be likely if the judge found that it is in the best interest of the child to have contact or visitation.

Status: If signed, it would take effect 180 days after becoming law. An identical 2021 version of the bill was vetoed by Governor Kathy Hochul.

2. [A.6544/S.7444](#): Relates to the sealing and expungement of records in Persons in Need of Supervision (PINS) cases in Family Court. **[Introduced at the request of OCA]**

Impact:

This bill would amend the Family Court Act (FCA) related to the sealing and expungement of records in PINS cases. Unlike past versions of this bill, this measure allows access to records in certain circumstances.

Status: If signed, it would take effect 90 days after becoming law.

3. [A.6545/S.7535](#): Relates to expiration dates of orders of protection and the duration of temporary orders of protection in juvenile delinquency cases. **[OCA]**

Impact:

The bill amends the FCA related to orders of protection expiration dates and the duration of temporary orders of protection in juvenile delinquency cases; requires expiration dates for orders of protection under certain articles of the FCA to be plainly stated; provides that a temporary order of protection in juvenile delinquency cases may remain in effect for an initial period of up to 30 days and may be extended by the court for good cause, upon notice to the juvenile; provides that the juvenile has a right to counsel upon the extension of the order of protection.

Status: If signed, it would take effect immediately.

4. [A.7349/S.7448](#): Relates to kinship guardianship of children whose parental rights were surrendered or terminated. **[OCA]**

Impact:

This measure would add Social Services Law (SSL) § [383-c](#) to KinGAP eligibility categories found under SSL § [458-a](#).

Status: If signed, it would take effect immediately.

5. [A.7366/S.6463-A](#): Requires statewide training for mandated reporters to include how to identify an abused or maltreated child with an intellectual or developmental disability.

Impact:

The bill would add a new subdivision 6 to SSL § [413](#) requiring OCFS, in consultation with the Justice Center for the Protection of People with Special Needs to update the mandated reporter training to include guidance on identifying an abused or maltreated child when such child is an individual with an intellectual or developmental disability. Additionally, it would require mandated reporters to receive such training within a year of the effective date. It also requires OCFS to update the guidelines to assist local CPS in the interpretation and assessment of reports of abuse and maltreatment made to the SCR to include guidance on recognizing the signs of abuse and neglect for children with an intellectual or developmental disability.

Status: If signed, it would take effect one year following enactment.

6. [A.2176/S.5897](#): Relates to reporting of youth placed in foster care settings and recruitment of foster parents.

Impact:

This bill relates to reporting of youth placed in foster care settings and recruitment of foster parents; requires information including the total number of youth placed in foster care, the reasons why such youth were placed and the efforts the state has taken to recruit and retain foster parents; repeals provisions relating to directing OCFS to make information publicly available on the number of youth placed in foster care settings and recruitment of foster parents and the effectiveness thereof.

Status: If signed, it would take effect immediately.

7. [A.5960](#)/[S.5900](#): Establishes a task force to identify evidence-based and evidence informed solutions to reduce children's exposure to adverse childhood experiences (ACEs).

Impact:

This bill establishes the purpose of the ACE taskforce; sets member appointments; declares areas of member experience and appointment of the chair; establishes that members will receive no compensation; sets duties; empowers the task force to request for facilities, resources, and state data; and establishes a timeline for the task force's report.

Status: If signed, it would take effect immediately.

8. [A.2798](#)/[S.3119](#): Relates to a study of the number of children in foster care who have a developmental disability.

Impact:

This bill creates a study of the number of children in foster care who have a developmental disability; provides that the study shall include, but shall not be limited to, the following: assessing the demographics of the children in foster care with a developmental disability, including, but not limited to, their county of residence, age, race and gender identity, and determining whether the placement of such individuals in foster care was voluntary or court ordered; evaluating the current guidelines and regulations used to oversee the placement and treatment of children with a developmental disability; and analyzing the extent to which such age-appropriate children are prepared for a transition from foster care to an independent living situation.

Status: If signed, it would take effect immediately.

9. [A.6616](#)/[S.6538](#): Relates to removing special powers granted to the society for the prevention of cruelty to children.

Impact:

This bill amends Chapter 175 of the Laws of 2021 to extend the expiration for two years in relation to the Rockland County SPCC until August 11, 2025.

Status: **SIGNED (Chapter 194 of 2023)**; took effect immediately (7-19-23).

10. [A.632](#)/[S.860](#): Relates to training of a forensic evaluator in relation to court ordered forensic evaluations involving child custody and visitation. [*Chapter Amendment*]

Impact:

This bill is related to training of a forensic evaluator in relation to court ordered forensic evaluations involving child custody and visitation. It amends a 2022 [law](#) by allowing for remote evaluations to be conducted by a trained evaluator when a child lives out-of-state and adds more governmental oversight in the training development process.

Status: **SIGNED (Chapter 23 of 2023)**; takes effect on (12/23/23) the same date and in the same manner as Chapter 740 of 2022 related to court ordered forensic evaluations involving child custody and visitation, as proposed in legislative 2022 bills numbers S.6385-B and A.2375-C.

11. [A.4014](#)/[S.832](#): Excludes certain runaway youths from being able to consent to certain medical, dental, health and hospital services. [*Chapter Amendment*]

Impact:

This bill amends a 2022 law (Ch.780) by clarifying that a homeless youth or individual that received services at an approved runaway and homeless youth crisis services program or transitional independent living support program may give consent for such services for themselves.

Status: **SIGNED (Chapter 107 of 2023)**; takes effect on the same date (3-23-23) and in the same manner as Ch. 780 of 2022.

II. Public Assistance

1. [A.4956](#)/[S.4546](#): Establishes an Emergency Heating Energy Assistance Program (eHEAP) benefit.

Impact:

The bill would establish eHEAP to provide emergency assistance to certain households where such household is threatened with shut-off or an energy emergency due to nonpayment.

Status: If signed, the bill would take effect on the 30th day after enactment; effective immediately would be the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on or before the effective date.

2. [A.4876/S.4548](#): Provides for the automated identification of affordability program participants.

Impact:

This bill provides for the automated identification of affordability program participants to enable such participants to be automatically entered into utility corporation energy affordability programs.

Status: If signed, it would take effect immediately.

3. [A.7424-A/S.7259-A](#): Establishes a Fiscal Cliff Taskforce to conduct a study on fiscal cliffs in the state's public assistance programs and to make recommendations.

Impact:

The bill establishes a Fiscal Cliff Taskforce consisting of 20 members appointed by the Senate Majority and Minority leaders, the Assembly Speaker, the Assembly Minority Leader, the Governor, three local social services district commissioners (appointed by the Governor), the OTDA commissioner or a designee, the DOH commissioner or designee, DOL commissioner or designee, and the OCFS commissioner or designee. The taskforce shall meet quarterly and conduct a study on the fiscal cliffs in the state including, but not limited to: various public assistance programs, tax credits and other programs or services provided by the state which are tied to income. It would also recommend ways to reduce and or eliminate such fiscal cliffs. The taskforce shall make a preliminary report to the Governor and the Legislature of its findings, conclusions, recommendations, and activities already undertaken by the taskforce by January 1, 2025, and a final report by September 1, 2025. The taskforce shall subsequently report legislative proposals as it deems necessary to implement such recommendations.

Status: If signed, it would take effect immediately.

4. [A.7361/S.6944](#): Extends current exemptions of income and resources for public assistance programs.

Impact:

The bill will extend, for two years (from August 22, 2023 to August 22, 2025), the income and resources exemptions provisions of Social Services Law § [131-n](#) to help prevent families from divesting themselves of certain resources to qualify for public assistance.

Status: **SIGNED (Chapter 195 of 2023)**; This bill took effect immediately (7-19-23).

5. [A.1245-A](#)/[S.1902-A](#): Requires notice to unemployment applicants of SNAP and WIC.

Impact:

Among its provisions, this bill would add the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to the programs about which individuals receive information when filing a claim for unemployment insurance—and replaces the term “food stamp” with “supplemental nutrition assistance program” (SNAP) in relation to the information provided to filers.

Status: If signed, it would take effect 120 days after becoming law.

6. [A.991](#)/[S.1353](#): Exempts certain income and resources provided to persons enrolled in certain pilot programs in determining eligibility for public assistance benefits. [*Chapter Amendment*]

Impact:

This bill would amend 2022 [law](#) by requiring federal USDA waivers be sought to be able to exclude such income related to SNAP eligibility determinations.

Status: **SIGNED (Chapter 118 of 2023)**; this bill takes effect on the same date (3-23-23) and in the same manner as Ch. 836 of 2022 related to exempting certain income and resources provided to persons enrolled in certain pilot programs with direct cash transfers in determining eligibility for public assistance benefits.

III. Child Care

1. [A.4986-A](#)/[S.5327-A](#): Provides that a caregiver shall be eligible for assistance for full-time child care under the child care block grant regardless of the hours the parent actually works.

Impact:

This bill would the bill amends SSL § [410-x](#) by adding a new subdivision that states that a social services district shall provide child care assistance funded under the block grant for additional or different hours than a parent or caretaker spends in work, training, educational activities or other reasons for care designated by the social services district in its consolidated services plan—including,

but not limited to, paying for full-time child care assistance regardless of the hours of the activity of the parent's or caretaker's reason for care. It also amends SSL § [410-y](#) by adding a new subdivision that provides that for all families eligible for child care assistance, a social services district shall not limit authorized child care services strictly based on the hours during which the parent or caretaker is engaged in work, education or other activity or the number of hours the parent or caretaker is engaged in any such reasons for care.

Status: If signed, it would take effect 30 days after becoming law.

2. [A.982/S.812](#): Amends provisions for determination of eligibility for extended child care assistance benefits. [*Chapter Amendment*]

Impact:

This bill amends a 2022 [law](#)—requiring a LDSS to seek approval from OCFS to extend a family's child care eligibility from 12 months to 24 months; it also specifies that eligible families must have income that does not exceed 85% of the state median income; and the effective date is changed to 90 days to allow time for the approval process to take place.

Status: **SIGNED (Chapter 70 of 2023)**; provided that §§ 1 and 2 shall take effect on (3/30/23) the same date and in the same manner as Ch. 834 of 2022 takes effect.

3. [A.992/S.830](#): Relates to window coverings required in child day care centers. [*Chapter Amendment*]

Impact:

This bill amends a 2022 [law](#) by eliminating congregate foster care centers as a covered entity under this bill, allowing it to solely cover child day care centers, among other technical changes.

Status: **SIGNED (Chapter 80 of 2023)**; this bill takes effect on (12/28/24) the same date and in the same manner as Ch. 792 of 2022 takes effect.

IV. Other Legislation

1. [A.7362/S.6945](#): Extends provisions relating to enforcement of support obligations through the suspension of driving privileges.

Impact:

This bill was introduced on behalf of OTDA and would extend the expiration date of the administrative driver license suspension process until August 31, 2025.

Status: **SIGNED (Chapter 196 of 2023)**; this bill took effect immediately (7-19-23).

2. [A.5347](#)/[S.5915](#): Requires the Office for the Prevention of Domestic Violence (OPDV) to distribute informational materials on recognizing economic abuse and the support available to victims.

Impact:

This legislation would require OPDV to create informational materials on economic abuse and describe how it is a form of domestic violence. The materials would provide information on the impact of economic abuse, how to identify and prevent economic abuse including but not limited to coerced debt, and the resources available to individuals suffering from economic abuse. The materials would be provided to domestic violence shelters, local social services districts, local police departments, and local childcare facilities to be distributed to potential victims of domestic violence.

Status: If signed, this legislation would take effect on the 90th day after it becomes law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made on or before the effective date.

3. [A.6049](#)/[S.2391](#): Modifies income limits for medical assistance to certain disabled individuals.

Impact:

This measure amends SSL § [366](#) to adjust the Medicaid asset test for Working People with Disabilities to 150% of income threshold level used to determine Medicaid eligibility; this would be 207% of the federal poverty level.

Status: If signed, it would take effect immediately.