

Chapter 24-B: Administration for Children's Services

Section 615. Administration; commissioner.

There shall be an administration for children's services, the head of which shall be the commissioner of children's services.

Section 616. Deputies.

The commissioner shall appoint at least three deputy commissioners.

Section 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 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.

Section 618. [Additional powers and duties.]

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.

Section 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.