

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2021**

No. 131

Introduced by Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Rosenthal, Yeger, Rivera, Levin, Koslowitz, D. Diaz, Koo, Kallos, Louis, Dinowitz, Barron and Eugene.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as amended by local law number 44 for the year 2013, is amended to read as follows:

§ 21-901. Definitions. Whenever used in this chapter, the terms set forth below are defined as follows:

"Abused child" means a child or youth who has been subjected to "physical abuse," "sexual abuse" and/or "psychological abuse" as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"ACS" means the administration for children's services, or any successor agency charged with operating the city's child welfare system.

"Bias-based incidents" means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

"Case worker" means a diagnostic child protective specialist assigned to a zone.

"Child" means "youth" as defined in this section.

"Commissioner" means the commissioner of ACS.

"Detention" means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or
2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or
3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or
4. pending a return to a jurisdiction other than the one in which the youth is held; or
5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or
6. pending a hearing on an extension of placement; or
7. pending transfer to a facility upon commitment or placement by a court.

"Detention facility" means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

Emergency removal. "Emergency removal" means the removal of a child from such child's place of residence or from the custody of such child's parent, or person legally responsible for the child, pursuant to section 1024 of the family court act.

"Entry order" means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

"Fiscal year" means the fiscal year for the city of New York.

"IRT investigation" means an instant response team investigation conducted pursuant to the Administration for Children's Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

"Limited secure placement facility" means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

"Mechanical restraint" means the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

"Neglected child" means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"Non-secure detention or placement facility" means a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures.

"Physical injury or impairment" means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child's physical condition.

"Physical restraint" means the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation.

"Placement" means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

"Placement facility" means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

"Room confinement" means the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

"Secure detention or placement facility" means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

"Youth" means a person who resides in a juvenile detention or placement facility in the custody of ACS.

"Zone" means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 2. Subdivision 3 of section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is renumbered subdivision 5, and a new subdivision 3 is added to read as follows:

3. Emergency removal information. The following information regarding emergency removals shall be included in the quarterly report required pursuant to this section:

a. The total number of children removed from their parent or a person legally responsible for the children on an emergency basis;

b. The race and ethnicity, including two or more races or ethnicities where applicable, of each child and person legally responsible for such child of a family involved in an emergency removal;

c. The community district of the residence of any family from which a child has been removed on an emergency basis;

d. The primary language(s) spoken by the parent or person legally responsible for the child from whom a child has been removed on an emergency basis;

5. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local law takes effect April 1, 2022.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on October 21, 2021 and returned unsigned by the Mayor on November 22, 2021.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 131 of 2021, Council Int. No. 1716-A of 2019) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEPHEN LOUIS, Acting Corporation Counsel.