

3878

2009-2010 Regular Sessions

I N   S E N A T E

April 2, 2009

---

Introduced by Sen. MONTGOMERY -- (at request of the Office of Children and Family Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to information in child fatality reports

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraphs (b) and (c) of subdivision 5 of section 20 of  
2     the social services law, as amended by chapter 12 of the laws of 1996,  
3     are amended to read as follows:  
4     (b) Such report shall CONTAIN A FACTUAL SECTION WHICH WILL include (i)  
5     the cause of death, whether from natural or other causes, (ii) identifi-  
6     cation of child protective or other services provided or actions taken  
7     regarding such child and his or her family, (iii) any extraordinary or  
8     pertinent information concerning the circumstances of the child's death,  
9     (iv) whether the child or the child's family had received assistance,  
10    care or services from the social services district prior to such child's  
11    death, AND (v) any action or further investigation undertaken by the  
12    [department] OFFICE OF CHILDREN AND FAMILY SERVICES or by the local  
13    social services district since the death of the child[, and (vi)]. IT  
14    SHALL ALSO INCLUDE, as appropriate, A FINDINGS SECTION CONTAINING recom-  
15    mendations for local or state administrative or policy changes.  
16    Such report shall contain no information that would identify the name  
17    of the deceased child, his or her siblings, the parent or other person  
18    legally responsible for the child or any other members of the child's  
19    household, but shall refer instead to the case, which may be denoted in  
20    any fashion determined appropriate by the [department] OFFICE OF CHIL-  
21    DREN AND FAMILY SERVICES or a local social services district. In making  
22    THE FACTUAL SECTION OF a fatality report available, THE OFFICE SHALL  
23    DETERMINE WHETHER DISCLOSURE OF SUCH FACTUAL SECTION OF THE REPORT to  
24    the public pursuant to paragraph (c) of this subdivision[, the depart-

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD07444-01-9

1 ment may respond to a child specific request for such report if the  
2 commissioner determines that such disclosure is not] WILL BE contrary to  
3 the best interests of the deceased child's siblings or other children in  
4 the household, pursuant to subdivision five of section four hundred  
5 twenty-two-a of this chapter. Except as it may apply directly to the  
6 cause of the death of the child, nothing herein shall be deemed to  
7 authorize the release or disclosure to the public of the substance or  
8 content of any psychological, psychiatric, therapeutic, clinical or  
9 medical reports, evaluations or like materials or information pertaining  
10 to such child or the child's family.

11 (c) No later than six months from the date of the death of such child,  
12 the [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall forward  
13 its report to the social services district, chief county executive offi-  
14 cer, chairperson of the local legislative body of the county where the  
15 child's death occurred and the social services district which had care  
16 and custody or custody and guardianship of the child, if different. The  
17 [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall notify the  
18 temporary president of the senate and the speaker of the assembly as to  
19 the issuance of such reports and, in addition to the requirements of  
20 section seventeen of this chapter, shall submit an annual cumulative  
21 report to the governor and the legislature incorporating the data in the  
22 above reports and including appropriate findings and recommendations.  
23 Such reports concerning the death of a child and such cumulative reports  
24 shall immediately thereafter be made available to the public after such  
25 forwarding or submittal; PROVIDED, HOWEVER, THAT IF SUCH OFFICE DETER-  
26 MINES THAT DISCLOSURE OF THE FACTUAL SECTION OF A REPORT CONCERNING THE  
27 DEATH OF A CHILD WILL BE CONTRARY TO THE BEST INTERESTS OF THE DECEASED  
28 CHILD'S SIBLINGS OR OTHER CHILDREN IN THE HOUSEHOLD PURSUANT TO PARA-  
29 GRAPH (B) OF THIS SUBDIVISION, THEN ONLY THE FINDINGS SECTION OF THE  
30 REPORT SHALL BE RELEASED TO THE PUBLIC.

31 S 2. This act shall take effect on the sixtieth day after it shall  
32 have become a law.