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I N   S E N A T E

January 19, 2010

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Introduced by Sens. MONTGOMERY, ADAMS, DUANE, KRUEGER, ONORATO, PARKER, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the powers and duties of the correctional association to inspect residential juvenile facilities

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

1     Section 1. The executive law is amended by adding a new section 504-c  
2     to read as follows:  
3     S 504-C. POWERS AND DUTIES OF THE CORRECTIONAL ASSOCIATION. 1.  
4     NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE CORREC-  
5     TIONAL ASSOCIATION, BY SUCH COMMITTEES AS THEY SHALL FROM TIME TO TIME  
6     APPOINT, SHALL HAVE THE POWER, AUTHORITY AND DUTY TO REGULARLY VISIT,  
7     INSPECT, AND EXAMINE ALL RESIDENTIAL JUVENILE FACILITIES OVERSEEN BY THE  
8     OFFICE OF CHILDREN AND FAMILY SERVICES AS DEFINED IN SECTION FIVE  
9     HUNDRED FOUR OR FIVE HUNDRED FOUR-A OF THIS ARTICLE, INCLUDING THE PROP-  
10     erty, documents, records, policies, procedures, staff and all such other  
11     things and records maintained or controlled by the facility which are  
12     connected to the association's legislative mandate.  
13     2. THE ASSOCIATION HAS THE AUTHORITY TO CONDUCT UNANNOUNCED VISITS TO  
14     DETERMINE THE WELFARE OF THE YOUTH IS PROTECTED AT JUVENILE FACILITIES  
15     OPERATED OR CERTIFIED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES.  
16     THE ASSOCIATION SHALL RECEIVE COPIES OF INCIDENT REPORTS INVOLVING A  
17     YOUTH RESIDING IN A FACILITY OPERATED OR CERTIFIED BY THE OFFICE OF  
18     CHILDREN AND FAMILY SERVICES. IF THE ASSOCIATION COMES TO LEARN OF CHILD  
19     ABUSE AS DEFINED IN SECTION FOUR HUNDRED TWELVE-A OF THE SOCIAL SERVICES  
20     LAW, THEY SHALL MAKE AN IMMEDIATE REPORT TO THE COMMISSIONER OF THE  
21     OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STATEWIDE CENTRAL REGIS-  
22     TRY OF CHILD ABUSE.

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

LBD14786-07-0

1       3.       THE ASSOCIATION SHALL HAVE CONFIDENTIAL CONTACT IN PERSON AND IN  
2 WRITING WITH THE RESIDENTS AND STAFF OF SUCH FACILITIES. ALL INFORMATION  
3 THE CORRECTIONAL ASSOCIATION OBTAINS WHILE FULFILLING ITS DUTIES UNDER  
4 THIS SECTION THAT IS NOT PUBLICLY AVAILABLE SHALL BE KEPT CONFIDENTIAL,  
5 UNLESS A RELEASE IS OBTAINED BY AFFECTED PARTIES AND SUCH DISCLOSURE  
6 WILL ADVANCE THE RIGHTS OF YOUTH WHO ARE PLACED IN THESE FACILITIES.

7       4.       THE CORRECTIONAL ASSOCIATION SHALL PERIODICALLY REPORT TO THE  
8 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
9 ASSEMBLY, THE CHAIRS OF THE CHILDREN AND FAMILIES COMMITTEE IN THE  
10 SENATE AND ASSEMBLY, OFFICE OF CHILDREN AND FAMILY SERVICES, LABOR  
11 REPRESENTATIVES, AND THE MEDIA REGARDING THE STATE AND CONDITION OF THE  
12 RESIDENTIAL FACILITIES, INCLUDING ANY SUGGESTED REMEDIAL ACTIONS. IN  
13 ADDITION, THE ASSOCIATION SHALL ALSO REPORT BY THE FIRST OF NOVEMBER TO  
14 THE GOVERNOR, LEGISLATURE, LABOR REPRESENTATIVES, AND THE MEDIA ON THE  
15 STATE AND CONDITION OF ALL OF THE STATE'S RESIDENTIAL JUVENILE FACILI-  
16 TIES. THE CORRECTIONAL ASSOCIATION SHALL ALSO MAKE ALL REPORTS AVAILABLE  
17 ON THE INTERNET. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL MEET  
18 WITH THE CORRECTIONAL ASSOCIATION AND RESPOND IN WRITING TO THE FINDINGS  
19 AND RECOMMENDATIONS ISSUED IN THE ANNUAL REPORTS. THE OFFICE OF CHILDREN  
20 AND FAMILY SERVICES SHALL MAKE ITS RESPONSE AVAILABLE ON THE INTERNET.

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