

2016

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring investigation of all reports of child abuse made by a hospital or medical or law enforcement personnel

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

1 Section 1. Paragraph (b) of subdivision 2 of section 422 of the social
2 services law, as added by chapter 717 of the laws of 1986, is amended to
3 read as follows:

4 (b) (I) Any telephone call made by a person required to report cases
5 of suspected child abuse or maltreatment pursuant to section four
6 hundred thirteen of this [chapter] TITLE containing allegations, which
7 if true would constitute child abuse or maltreatment shall constitute a
8 report and shall be immediately transmitted orally or electronically by
9 the department to the appropriate local child protective service for
10 investigation.

11 (II) WHEN A TELEPHONE CALL ATTEMPTING TO MAKE A REPORT OF CHILD ABUSE
12 AND MALTREATMENT IS MADE BY A PERSON REQUIRED TO MAKE SUCH REPORTS
13 PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE AND SUCH TELE-
14 PHONE CALL IS RECEIVED FROM A PHYSICIAN, REGISTERED NURSE, HOSPITAL
15 PERSONNEL ENGAGED IN THE EXAMINATION, CARE OR TREATMENT OF PERSONS,
16 REGISTERED PHYSICIAN'S ASSISTANT OR FROM A SOCIAL WORKER OR PSYCHOL-
17 OGIST; OR BY A LAW ENFORCEMENT OFFICIAL, SUCH TELEPHONE CALL SHALL, IF
18 NOT OTHERWISE REFERRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
19 CONSTITUTE A REPORT AND SHALL BE IMMEDIATELY TRANSMITTED TO THE APPRO-
20 PRIATE CHILD PROTECTIVE SERVICE FOR INVESTIGATION IN THE MANNER PROVIDED
21 FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

22 S 2. Section 424 of the social services law is amended by adding a new
23 subdivision 9-a to read as follows:

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

LBD05951-01-3

1 9-A. ESTABLISH IN COOPERATION AND CONSULTATION WITH HOSPITALS, MEDICAL
2 CLINICS AND LAW ENFORCEMENT OFFICIALS WITHIN THE SOCIAL SERVICES
3 DISTRICT, PROCEDURES AND PROTOCOLS FOR THE COOPERATION AND COORDINATION
4 OF CHILD PROTECTIVE SERVICES WITH MANDATED REPORTERS AND MEDICAL AND LAW
5 ENFORCEMENT PERSONNEL SERVING THE SOCIAL SERVICES DISTRICT. SUCH PROCE-
6 DURES AND PROTOCOLS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

7 (I) ESTABLISHMENT OF STANDARDIZED DOCUMENTATION AND PROCEDURES BY
8 WHICH A HOSPITAL MAY BE DIRECTED BY THE CHILD PROTECTIVE SERVICE TO KEEP
9 A CHILD IN PROTECTIVE CUSTODY PURSUANT TO APPLICABLE PROVISIONS OF THE
10 FAMILY COURT ACT AND THIS CHAPTER;

11 (II) ESTABLISHMENT OF PROCEDURES FOR THE IDENTIFICATION OF CHILD
12 PROTECTIVE SERVICES WORKERS AND THE NOTIFICATION TO HOSPITALS THAT SUCH
13 WORKERS ARE PRESENT AND CONDUCTING INVESTIGATIONS OR INTERVIEWS WITHIN
14 THE HOSPITAL;

15 (III) COORDINATION WITH HOSPITALS AND WHERE APPROPRIATE, LAW ENFORCE-
16 MENT OFFICIALS REGARDING PLANS FOR THE DISCHARGE OF CHILDREN SUSPECTED
17 OF BEING ABUSED OR MALTREATED FROM THE HOSPITAL, INCLUDING THE RESPONSI-
18 BILITIES OF THE CHILD'S PARENTS OR GUARDIANS TO PROVIDE MEDICAL OR OTHER
19 THERAPEUTIC OR PREVENTIVE SERVICES TO THE CHILD; AND

20 (IV) ESTABLISHMENT OF SYSTEMS OF ACCESS AND COMMUNICATION BETWEEN
21 HOSPITALS, LAW ENFORCEMENT AND THE CHILD PROTECTIVE SERVICE TO PROVIDE
22 FOR THE CONSISTENT AND ONGOING PROTECTION AND SUPERVISION OF CHILDREN AT
23 RISK WITHIN THE DISTRICT;

24 S 3. This act shall take effect on the one hundred twentieth day after
25 it shall have become a law.