

4441--A

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sen. GOLDEN -- 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

AN ACT to amend the social services law, in relation to requiring child protective services to document home visits with photographs

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

1 Section 1. This act shall be known and may be cited as "Marchella
2 Pierce's Law".

3 S 2. Subdivision 3 of section 421 of the social services law, as
4 amended by chapter 718 of the laws of 1986, paragraph (a) as amended by
5 chapter 110 of the laws of 1989 and the closing paragraph as amended by
6 chapter 320 of the laws of 1990, is amended to read as follows:

7 3. promulgate regulations setting forth requirements for the perform-
8 ance by local social services departments of the duties and powers
9 imposed and conferred upon them by the provisions of this title and of
10 article ten of the family court act. Such regulations shall establish
11 uniform requirements for the investigation of reports of child abuse or
12 maltreatment under this title. The department shall also issue guide-
13 lines which shall set forth the circumstances or conditions under which:

14 (a) personal contact shall be made with the child named in the report
15 and any other children in the same household, including interviewing
16 such child or children absent the subject of the report whenever possi-
17 ble and appropriate;

18 (b) photographs of visible physical injuries or trauma of children who
19 may be the victims of abuse or maltreatment shall be taken or arranged
20 for;

21 (c) medical examination of a child who may be a victim of abuse or
22 maltreatment and documentation of findings of such examination, shall be
23 required.

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

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1 The department shall promulgate regulations to establish standards for
2 intervention, criteria for case closings, criteria for determining
3 whether or not to initiate a child protective proceeding, and criteria
4 for the formulation of treatment plans and for the delivery of child
5 protective services including specification of the services to be clas-
6 sified as child protective services, which shall also apply to any soci-
7 ety for the prevention of cruelty to children which has entered into a
8 currently valid contract with a local department of social services to
9 investigate child abuse or maltreatment reports. The department shall
10 promulgate regulations establishing minimum standards and practices for
11 the delivery of child protective services in connection with monitoring
12 and supervising respondents and their families as ordered by a family
13 court pursuant to section ten hundred thirty-nine and paragraphs (i),
14 (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two
15 of the family court act. THE DEPARTMENT SHALL REQUIRE THAT EVERY CASE-
16 WORKER, CHILD PROTECTIVE SERVICES EMPLOYEE OR ANY PERSON ACTING PURSUANT
17 TO A CONTRACT FOR SERVICES WITH A LOCAL SOCIAL SERVICES DEPARTMENT WHO
18 HAS CONTACT WITH A CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND
19 MONITORING, DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
20 CHILD DURING SUCH VISIT OR CONTACT USING A TABLET OR COMPARABLE DEVICE.
21 SUCH PHOTOGRAPH SHALL BE PART OF THE CONFIDENTIAL CASE RECORD FOR SUCH
22 CHILD AND SHALL BE SUBJECT TO PERIODIC REVIEW BY THE SUPERVISOR OF THE
23 CASE. SUCH PHOTOGRAPH MUST BE OF SUFFICIENT QUALITY TO CLEARLY IDENTIFY
24 THE CHILD, AND CONTAIN ACCURATE DATA WITH REGARD TO THE TIME AND DATE OF
25 THE PHOTOGRAPH. THE SUPERVISING AUTHORITY MAY REQUIRE, TO THE EXTENT
26 PRACTICABLE, THAT THE CASEWORKER UTILIZE TECHNOLOGY ALLOWING FOR THE
27 GEOGRAPHIC DOCUMENTATION OF SAID VISIT. Such regulations REQUIRED UNDER
28 THIS SUBDIVISION shall also require local child protective services to
29 comply with notification requirements of the family court act in
30 connection with such monitoring and supervisory responsibilities.

31 S 3. Section 372 of the social services law is amended by adding a new
32 subdivision 4-c to read as follows:

33 4-C. THE RECORDS MAINTAINED PURSUANT TO THIS SECTION BY ANY CASEWORK-
34 ER, CHILD PROTECTIVE SERVICES EMPLOYEE OR AUTHORIZED AGENCY AS DEFINED
35 IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE WHO HAS CONTACT WITH
36 A FOSTER CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITOR-
37 ING, SHALL DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
38 CHILD DURING SUCH VISIT OR CONTACT CONSISTENT WITH THE REQUIREMENTS SET
39 FORTH IN SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-ONE OF THIS
40 ARTICLE.

41 S 4. This act shall take effect immediately.