S T A T E O F N E W Y O R K

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2009-2010 Regular Sessions

I N A S S E M B L Y

April 24, 2009

Introduced by M. of A. SPANO, PAULIN, FIELDS, COOK, MARKEY, LANCMAN, ESPAILLAT, EDDINGTON, JAFFEE, PHEFFER, BENEDETTO, SAYWARD -- Multi-Sponsored by -- M. of A. BARRON, BURLING, GALEF, McDONOUGH, McKEVITT, REILLY, WALKER, WEISENBERG -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to child abuse prevention

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

Section 1. The social services law is amended by adding a new section 422-d to read as follows:

S 422-D. CHILD ABUSE PREVENTION. EVERY INSTITUTION PROVIDING GROUP HOME OR CONGREGATE LIVING SERVICES PURSUANT TO THIS ARTICLE SHALL PROVIDE FOR THE SCREENING OF ALL PROSPECTIVE PERSONNEL TO BE EMPLOYED BY THE INSTITUTION, AS WELL AS INDIVIDUALS SERVING UNDER CONTRACT WITH THE INSTITUTION AND EMPLOYEES OF SERVICES PROVIDING SERVICES UNDER CONTRACT WITH THE INSTITUTION, AGAINST INFORMATION PROVIDED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES RELATING TO CONVICTION RECORDS. SUCH SCREENING SHALL INCLUDE THE MANDATORY FINGERPRINTING OF SUCH PERSONNEL. EVERY SET OF FINGERPRINTS TAKEN PURSUANT TO THIS SECTION SHALL BE PROMPTLY SUBMITTED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES AND SHALL CONTAIN THE SIGNED, INFORMED CONSENT OF THE PROSPECTIVE EMPLOYEE ON A FORM SUPPLIED BY THE DIVISION. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL COMPARE SUCH FINGERPRINTS AGAINST THE RECORDS OF SUCH DIVISION AND SHALL FORWARD A SET OF SUCH FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION AT WASHINGTON WITH A REQUEST THAT THE FILES OF THE BUREAU BE SEARCHED AND NOTIFICATION OF THE RESULTS OF SUCH SEARCH AND A REPORT THEREON SHALL BE MADE TO THE DIVISION OF CRIMINAL JUSTICE SERVICES. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FORMULATE A STANDARD CRIMINAL RECORD REPORT AND SHALL DETERMINE WHAT INFORMATION IS TO BE REPORTED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE STANDARD FORM FOR

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

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SUCH REPORTING. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FORWARD SUCH CRIMINAL RECORD REPORTS TO THE GOVERNING BODY OF THE INSTITUTION WITHIN TEN BUSINESS DAYS AFTER THE RECEIPT OF THE FEDERAL BUREAU OF INVESTIGATION REPORT. SUCH INSTITUTIONS SHALL BE PROHIBITED FROM EMPLOYING ANY PERSONNEL UNTIL RECEIPT OF SUCH REPORTS IF THEY WISH TO CONTINUE CONTRACTING WITH THE OFFICE OF CHILDREN AND FAMILY SERVICES. SUCH INSTITUTIONS MAY EMPLOY ANY INDIVIDUAL WHERE SUCH REPORTS INDICATE NO CONVICTIONS OR A MISDEMEANOR CONVICTION, EXCEPT FOR A MISDEMEANOR CONVICTION UNDER ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED TWENTY OF THE PENAL LAW. ALL SUCH REPORTS WHICH CONTAIN A FELONY CONVICTION OR A MISDEMEANOR CONVICTION UNDER ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED TWENTY OF THE PENAL LAW SHALL BE FORWARDED TO THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR CLEARANCE TO EMPLOY. ALL SUCH REPORTS PROCESSED AND SENT TO SUCH INSTITUTION PURSUANT TO THIS SECTION SHALL NOT BE PUBLISHED OR IN ANY WAY DISCLOSED TO PERSONS OTHER THAN THE GOVERNING BODY OF SUCH INSTITUTION AND, IF REQUESTED, BY THE PROSPECTIVE EMPLOYEE. EACH INSTITUTION MAY ALSO, IN ITS DISCRETION, EXEMPT FROM THE PROVISIONS OF THIS SECTION CERTAIN CONTRACTED EMPLOYEES PROVIDING SERVICES NOT INVOLVING ANY INTERACTION OR CONTACT WITH STUDENTS.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.