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

5042

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. HASSELL-THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to requisite training instruction for police officers for crimes involving sexual assaults; and to amend the social services law, in relation to training for child protective services workers in certain instances

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

Section 1. Section 840 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS REQUIRING TRAINING AND INSTRUCTION FOR ALL POLICE OFFICERS WITH RESPECT TO CRIMES INVOLVING SEXUAL ASSAULT. SUCH TRAINING AND INSTRUCTION, WHICH SHALL BE DESIGNED AND PRESENTED IN CONSULTATION WITH THE RAPE CRISIS CENTERS EXPERIENCED IN ASSISTING VICTIMS IN THIS STATE, SHALL INCLUDE, BUT NOT BE LIMITED TO UNDERSTANDING RAPE AND SEXUAL ABUSE TRAUMA AND PSYCHOLOGICAL ISSUES CONFRONTED BY SUCH CRIME VICTIMS, COMMON ATTRIBUTES OF OFFENDERS, FAIR TREATMENT STANDARDS FOR CRIME VICTIMS PURSUANT TO ARTICLE TWENTY-THREE OF THIS CHAPTER, EVIDENCE GATHERING AND PRESERVATION ISSUES, INTERVIEW TECHNIQUES AND INFORMATION CONCERNING THE AVAILABILITY OF LOCAL SERVICES FOR THE VICTIMS OF SUCH CRIMES. ALL NEW OFFICERS SHALL RECEIVE SUCH TRAINING AND INSTRUCTION, AS PART OF THE BASIC CURRICULUM AT THE STATE POLICE ACADEMY OR AT MUNICIPAL POLICE ACADEMIES, AS APPLICABLE. THE COUNCIL SHALL PROMULGATE SUCH RULES AND REGULATIONS AS IT DEEMS NECESSARY CONCERNING PERIODIC RETRAINING OF POLICE OFFICERS REGARDING CRIMES INVOLVING SEXUAL ASSAULT.

S 2. The section heading and opening paragraph of section 421 of the social services law, as amended by chapter 718 of the laws of 1986, are amended to read as follows:

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

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Responsibility of the [department] OFFICE OF CHILDREN AND FAMILY SERVICES. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall:

S 3. The opening and closing paragraphs of subdivision 3 of section 421 of the social services law, the opening paragraph as amended by chapter 718 of the laws of 1986 and the closing paragraph as amended by chapter 320 of the laws of 1990, are amended to read as follows:

promulgate regulations setting forth requirements for the performance by local social services departments of the duties and powers imposed and conferred upon them by the provisions of this title and of article ten of the family court act. Such regulations shall establish uniform requirements for the investigation of reports of child abuse or maltreatment under this title. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall also issue guidelines which shall set forth the circumstances or conditions under which:

The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate regulations to establish STANDARDS FOR THE DEVELOPMENT OF A TRAINING CURRICULUM FOR CHILD PROTECTIVE SERVICES WORKERS WHICH TEACHES APPROPRIATE INVESTIGATORY TECHNIQUES FOR REPORTS OF SEXUAL ABUSE AND MANDATES ON-GOING TRAINING FOR CHILD PROTECTIVE SERVICES WORKERS, standards for intervention, criteria for case closings, criteria for determining whether or not to initiate a child protective proceeding, and criteria for the formulation of treatment plans and for the delivery of child protective services including specification of the services to be classified as child protective services, which shall also apply to any society for the prevention of cruelty to children which has entered into a currently valid contract with a local department of social services to investigate child abuse or maltreatment reports. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall promulgate regulations establishing minimum standards and practices for the delivery of child protective services in connection with monitoring and supervising respondents and their families as ordered by a family court pursuant to section ten hundred thirty-nine and paragraphs (i), (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two of the family court act. Such regulations shall also require local child protective services to comply with notification requirements of the family court act in connection with such monitoring and supervisory responsibilities.

S 4. Paragraph (b) of subdivision 5 of section 421 of the social services law, as amended by chapter 525 of the laws of 2006, is amended to read as follows:

(b) promulgate regulations setting forth training requirements which shall specify, among other things, that all persons hired by a child protective service on or after April first, nineteen hundred eighty-six shall have satisfactorily completed a course approved by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES within the first three months of employment, in the fundamentals of child protection. Such course shall include at least basic training in the principles and techniques of investigations, including relationships with other investigative bodies, legal issues in child protection, and methods of remediation, diagnosis, treatment and prevention. Such regulations shall also specify that all persons employed by a child protective service on or after December first, two thousand six shall satisfactorily complete six hours of annual in service training, beginning in their second year of employment. Such annual in service training shall include, but is not limited to, review of the protocols for identification and investigation of child abuse and maltreatment, any developments in legal, treatment

and prevention issues in child protection, and review and analysis of field experiences of child protective services workers.

S 5. Subdivision 7 of section 421 of the social services law, as amended by chapter 718 of the laws of 1986, is amended to read as follows:

7. take all reasonable and necessary actions to assure that the local departments of social services are kept apprised on a current basis of the laws, regulations and policies of the [department] OFFICE OF CHILDREN AND FAMILY SERVICES concerning child abuse and maltreatment.

S 6. This act shall take effect on the ninetieth day after it shall have become a law.