

10155

I N A S S E M B L Y

March 8, 2010

Introduced by M. of A. AUBRY -- read once and referred to the Committee on Correction

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.

23 3. THE ASSOCIATION SHALL HAVE CONFIDENTIAL CONTACT IN PERSON AND IN  
24 WRITING WITH THE RESIDENTS AND STAFF OF SUCH FACILITIES. ALL INFORMATION  
25 THE CORRECTIONAL ASSOCIATION OBTAINS WHILE FULFILLING ITS DUTIES UNDER  
26 THIS SECTION THAT IS NOT PUBLICLY AVAILABLE SHALL BE KEPT CONFIDENTIAL,

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

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1 UNLESS A RELEASE IS OBTAINED BY AFFECTED PARTIES AND SUCH DISCLOSURE  
2 WILL ADVANCE THE RIGHTS OF YOUTH WHO ARE PLACED IN THESE FACILITIES.  
3 4. THE CORRECTIONAL ASSOCIATION SHALL PERIODICALLY REPORT TO THE  
4 GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE  
5 ASSEMBLY, THE CHAIRS OF THE CHILDREN AND FAMILIES COMMITTEE IN THE  
6 SENATE AND ASSEMBLY, OFFICE OF CHILDREN AND FAMILY SERVICES, LABOR  
7 REPRESENTATIVES, AND THE MEDIA REGARDING THE STATE AND CONDITION OF THE  
8 RESIDENTIAL FACILITIES, INCLUDING ANY SUGGESTED REMEDIAL ACTIONS. IN  
9 ADDITION, THE ASSOCIATION SHALL ALSO REPORT BY THE FIRST OF NOVEMBER TO  
10 THE GOVERNOR, LEGISLATURE, LABOR REPRESENTATIVES, AND THE MEDIA ON THE  
11 STATE AND CONDITION OF ALL OF THE STATE'S RESIDENTIAL JUVENILE FACILI-  
12 TIES. THE CORRECTIONAL ASSOCIATION SHALL ALSO MAKE ALL REPORTS AVAILABLE  
13 ON THE INTERNET. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL MEET  
14 WITH THE CORRECTIONAL ASSOCIATION AND RESPOND IN WRITING TO THE FINDINGS  
15 AND RECOMMENDATIONS ISSUED IN THE ANNUAL REPORTS. THE OFFICE OF CHILDREN  
16 AND FAMILY SERVICES SHALL MAKE ITS RESPONSE AVAILABLE ON THE INTERNET.  
17 S 2. This act shall take effect on the sixtieth day after it shall  
18 have become a law.