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

11211

I N A S S E M B L Y

May 25, 2010

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Mental Health

AN ACT to amend the mental hygiene law, in relation to mandatory reporting of allegations of physical or sexual abuse of a child with mental or physical disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 16.30 to read as follows:

S 16.30 MANDATORY REPORTING OF PHYSICAL OR SEXUAL ABUSE.

(A) ANY AND ALL ALLEGATIONS OF PHYSICAL OR SEXUAL ABUSE OF A PERSON WITH MENTAL DISABILITIES RESIDING IN A FACILITY OPERATED, CERTIFIED, LICENSED, FUNDED OR OTHERWISE BY THE DEPARTMENT REPORTED TO ANY ABUSE HOTLINE SHALL BE FORWARDED TO LOCAL LAW ENFORCEMENT AND THE LOCAL DISTRICT ATTORNEY'S OFFICE.

(B) ALL MANDATORY REPORTERS AND ANY OTHER INDIVIDUAL REPORTING AN ALLEGATION OF PHYSICAL OR SEXUAL ABUSE OF A PERSON WITH MENTAL DISABILITIES OR PHYSICAL DISABILITIES RESIDING IN A FACILITY OPERATED, CERTIFIED, LICENSED, FUNDED OR OTHERWISE AUTHORIZED BY THE DEPARTMENT SHALL REPORT THE ALLEGATION TO LOCAL LAW ENFORCEMENT, LOCAL DISTRICT ATTORNEY'S OFFICE, CHILD ABUSE HOTLINE, IF APPLICABLE, ADULT PROTECTIVE SERVICES, IF APPLICABLE, AND TO THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

(C)(I) ANY ALLEGATION OF AN ABUSED CHILD IN RESIDENTIAL CARE AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED TWELVE-A OF THE SOCIAL SERVICES LAW TO ANY ABUSE HOTLINE, STATEWIDE, SHALL BE IMMEDIATELY FORWARDED TO LOCAL LAW ENFORCEMENT AND THE LOCAL DISTRICT ATTORNEY'S OFFICE.

(II) ANY ALLEGATION OF AN ABUSE TO A YOUTH RESIDING IN RESIDENTIAL CARE AS THE TERM IS DEFINED IN PARAGRAPH (A) OR (B) OF SUBDIVISION FOUR OF SECTION FOUR HUNDRED TWELVE-A OF THE SOCIAL SERVICES LAW TO ANY ABUSE HOTLINE SHALL BE IMMEDIATELY FORWARDED TO LOCAL LAW ENFORCEMENT, LOCAL DISTRICT ATTORNEY'S OFFICE AND THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT.

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

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(D) ALL FACILITIES, DAY PROGRAMS, GROUP HOMES AND OTHER PROVIDERS OPERATED, LICENSED, FUNDED OR OTHERWISE AUTHORIZED BY THE DEPARTMENT SHALL COMPLY WITH SUBDIVISIONS (B) AND (C) OF THIS SECTION.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law.