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

3878

2009-2010 Regular Sessions

I N S E N A T E

April 2, 2009

Introduced by Sen. MONTGOMERY -- (at request of the Office of Children and Family Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

AN ACT to amend the social services law, in relation to information in child fatality reports

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

Section 1. Paragraphs (b) and (c) of subdivision 5 of section 20 of the social services law, as amended by chapter 12 of the laws of 1996, are amended to read as follows:

(b) Such report shall CONTAIN A FACTUAL SECTION WHICH WILL include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding such child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to such child's death, AND (v) any action or further investigation undertaken by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES or by the local social services district since the death of the child[, and (vi)]. IT SHALL ALSO INCLUDE, as appropriate, A FINDINGS SECTION CONTAINING recommendations for local or state administrative or policy changes.

Such report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child or any other members of the child's household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES or a local social services district. In making THE FACTUAL SECTION OF a fatality report available, THE OFFICE SHALL DETERMINE WHETHER DISCLOSURE OF SUCH FACTUAL SECTION OF THE REPORT to the public pursuant to paragraph (c) of this subdivision[, the depart-

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

LBD07444-01-9

ment may respond to a child specific request for such report if the commissioner determines that such disclosure is not] WILL BE contrary to the best interests of the deceased child's siblings or other children in the household, pursuant to subdivision five of section four hundred twenty-two-a of this chapter. Except as it may apply directly to the cause of the death of the child, nothing herein shall be deemed to authorize the release or disclosure to the public of the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family.

(c) No later than six months from the date of the death of such child, the [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall forward its report to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child's death occurred and the social services district which had care and custody or custody and guardianship of the child, if different. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall notify the temporary president of the senate and the speaker of the assembly as to the issuance of such reports and, in addition to the requirements of section seventeen of this chapter, shall submit an annual cumulative report to the governor and the legislature incorporating the data in the above reports and including appropriate findings and recommendations. Such reports concerning the death of a child and such cumulative reports shall immediately thereafter be made available to the public after such forwarding or submittal; PROVIDED, HOWEVER, THAT IF SUCH OFFICE DETERMINES THAT DISCLOSURE OF THE FACTUAL SECTION OF A REPORT CONCERNING THE DEATH OF A CHILD WILL BE CONTRARY TO THE BEST INTERESTS OF THE DECEASED CHILD'S SIBLINGS OR OTHER CHILDREN IN THE HOUSEHOLD PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, THEN ONLY THE FINDINGS SECTION OF THE REPORT SHALL BE RELEASED TO THE PUBLIC.

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