

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:

1 Section 1. Section 840 of the executive law is amended by adding a new
2 subdivision 4 to read as follows:
3 4. THE COUNCIL SHALL PROMULGATE RULES AND REGULATIONS REQUIRING TRAIN-
4 ING AND INSTRUCTION FOR ALL POLICE OFFICERS WITH RESPECT TO CRIMES
5 INVOLVING SEXUAL ASSAULT. SUCH TRAINING AND INSTRUCTION, WHICH SHALL BE
6 DESIGNED AND PRESENTED IN CONSULTATION WITH THE RAPE CRISIS CENTERS
7 EXPERIENCED IN ASSISTING VICTIMS IN THIS STATE, SHALL INCLUDE, BUT NOT
8 BE LIMITED TO UNDERSTANDING RAPE AND SEXUAL ABUSE TRAUMA AND PSYCHOLOG-
9 ICAL ISSUES CONFRONTED BY SUCH CRIME VICTIMS, COMMON ATTRIBUTES OF
10 OFFENDERS, FAIR TREATMENT STANDARDS FOR CRIME VICTIMS PURSUANT TO ARTI-
11 CLE TWENTY-THREE OF THIS CHAPTER, EVIDENCE GATHERING AND PRESERVATION
12 ISSUES, INTERVIEW TECHNIQUES AND INFORMATION CONCERNING THE AVAILABILITY
13 OF LOCAL SERVICES FOR THE VICTIMS OF SUCH CRIMES. ALL NEW OFFICERS
14 SHALL RECEIVE SUCH TRAINING AND INSTRUCTION, AS PART OF THE BASIC
15 CURRICULUM AT THE STATE POLICE ACADEMY OR AT MUNICIPAL POLICE ACADEMIES,
16 AS APPLICABLE. THE COUNCIL SHALL PROMULGATE SUCH RULES AND REGULATIONS
17 AS IT DEEMS NECESSARY CONCERNING PERIODIC RETRAINING OF POLICE OFFICERS
18 REGARDING CRIMES INVOLVING SEXUAL ASSAULT.
19 S 2. The section heading and opening paragraph of section 421 of the
20 social services law, as amended by chapter 718 of the laws of 1986, are
21 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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1 Responsibility of the [department] OFFICE OF CHILDREN AND FAMILY
2 SERVICES. The [department] OFFICE OF CHILDREN AND FAMILY SERVICES
3 shall:

4 S 3. The opening and closing paragraphs of subdivision 3 of section
5 421 of the social services law, the opening paragraph as amended by
6 chapter 718 of the laws of 1986 and the closing paragraph as amended by
7 chapter 320 of the laws of 1990, are amended to read as follows:

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

16 The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall promul-
17 gate regulations to establish STANDARDS FOR THE DEVELOPMENT OF A TRAIN-
18 ING CURRICULUM FOR CHILD PROTECTIVE SERVICES WORKERS WHICH TEACHES
19 APPROPRIATE INVESTIGATORY TECHNIQUES FOR REPORTS OF SEXUAL ABUSE AND
20 MANDATES ON-GOING TRAINING FOR CHILD PROTECTIVE SERVICES WORKERS, stand-
21 ards for intervention, criteria for case closings, criteria for deter-
22 mining whether or not to initiate a child protective proceeding, and
23 criteria for the formulation of treatment plans and for the delivery of
24 child protective services including specification of the services to be
25 classified as child protective services, which shall also apply to any
26 society for the prevention of cruelty to children which has entered into
27 a currently valid contract with a local department of social services to
28 investigate child abuse or maltreatment reports. The [department] OFFICE
29 OF CHILDREN AND FAMILY SERVICES shall promulgate regulations establish-
30 ing minimum standards and practices for the delivery of child protective
31 services in connection with monitoring and supervising respondents and
32 their families as ordered by a family court pursuant to section ten
33 hundred thirty-nine and paragraphs (i), (iii), (iv) and (v) of subdivi-
34 sion (a) of section ten hundred fifty-two of the family court act. Such
35 regulations shall also require local child protective services to comply
36 with notification requirements of the family court act in connection
37 with such monitoring and supervisory responsibilities.

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

41 (b) promulgate regulations setting forth training requirements which
42 shall specify, among other things, that all persons hired by a child
43 protective service on or after April first, nineteen hundred eighty-six
44 shall have satisfactorily completed a course approved by the [depart-
45 ment] OFFICE OF CHILDREN AND FAMILY SERVICES within the first three
46 months of employment, in the fundamentals of child protection. Such
47 course shall include at least basic training in the principles and tech-
48 niques of investigations, including relationships with other investi-
49 gative bodies, legal issues in child protection, and methods of remedi-
50 ation, diagnosis, treatment and prevention. Such regulations shall also
51 specify that all persons employed by a child protective service on or
52 after December first, two thousand six shall satisfactorily complete six
53 hours of annual in service training, beginning in their second year of
54 employment. Such annual in service training shall include, but is not
55 limited to, review of the protocols for identification and investigation
56 of child abuse and maltreatment, any developments in legal, treatment

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

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

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

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