

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

S. 5388--A

A. 7728--A

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

May 16, 2011

IN SENATE -- Introduced by Sens. GOLDEN, ALESI, FUSCHILLO, JOHNSON, KRUGER, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. MILLMAN, SCARBOROUGH, COOK, MENG, P. RIVERA, JAFFEE, MONTESANO, RAI, PERRY -- Multi-Sponsored by -- M. of A. BING, BRENNAN, CERETTO, CROUCH, DUPREY, GUNTHER, McLAUGHLIN, SALADINO, SCHIMEL -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring child protective services to document home visits with photographs

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

1 Section 1. This act shall be known and may be cited as "Marchella
2 Pierce's Law".
3 S 2. Subdivision 3 of section 421 of the social services law, as
4 amended by chapter 718 of the laws of 1986, paragraph (a) as amended by
5 chapter 110 of the laws of 1989 and the closing paragraph as amended by
6 chapter 320 of the laws of 1990, is amended to read as follows:
7 3. promulgate regulations setting forth requirements for the perform-
8 ance by local social services departments of the duties and powers
9 imposed and conferred upon them by the provisions of this title and of
10 article ten of the family court act. Such regulations shall establish
11 uniform requirements for the investigation of reports of child abuse or
12 maltreatment under this title. The department shall also issue guide-
13 lines which shall set forth the circumstances or conditions under which:
14 (a) personal contact shall be made with the child named in the report
15 and any other children in the same household, including interviewing

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

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1 such child or children absent the subject of the report whenever possi-
2 ble and appropriate;

3 (b) photographs of visible physical injuries or trauma of children who
4 may be the victims of abuse or maltreatment shall be taken or arranged
5 for;

6 (c) medical examination of a child who may be a victim of abuse or
7 maltreatment and documentation of findings of such examination, shall be
8 required.

9 The department shall promulgate regulations to establish standards for
10 intervention, criteria for case closings, criteria for determining
11 whether or not to initiate a child protective proceeding, and criteria
12 for the formulation of treatment plans and for the delivery of child
13 protective services including specification of the services to be clas-
14 sified as child protective services, which shall also apply to any soci-
15 ety for the prevention of cruelty to children which has entered into a
16 currently valid contract with a local department of social services to
17 investigate child abuse or maltreatment reports. The department shall
18 promulgate regulations establishing minimum standards and practices for
19 the delivery of child protective services in connection with monitoring
20 and supervising respondents and their families as ordered by a family
21 court pursuant to section ten hundred thirty-nine and paragraphs (i),
22 (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two
23 of the family court act. THE DEPARTMENT SHALL REQUIRE THAT EVERY CASE-
24 WORKER, CHILD PROTECTIVE SERVICES EMPLOYEE OR ANY PERSON ACTING PURSUANT
25 TO A CONTRACT FOR SERVICES WITH A LOCAL SOCIAL SERVICES DEPARTMENT WHO
26 HAS CONTACT WITH A CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND
27 MONITORING, DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
28 CHILD DURING SUCH VISIT OR CONTACT. SUCH PHOTOGRAPH SHALL BE PART OF THE
29 CONFIDENTIAL CASE RECORD FOR SUCH CHILD AND SHALL BE SUBJECT TO PERIODIC
30 REVIEW BY THE SUPERVISOR OF THE CASE. SUCH PHOTOGRAPH MUST BE OF SUFFI-
31 CIENT QUALITY TO CLEARLY IDENTIFY THE CHILD, AND CONTAIN ACCURATE DATA
32 WITH REGARD TO THE TIME AND DATE OF THE PHOTOGRAPH. WHERE THE PARENT OR
33 LEGAL GUARDIAN OF THE CHILD OBJECTS TO THE CASEWORKER TAKING A PHOTO-
34 GRAPH OF THE CHILD DURING THE VISIT, THE CASEWORKER SHALL PROVIDE A
35 FORM, SUPPLIED BY THE CASEWORKER'S AGENCY OF EMPLOYMENT, STATING THAT
36 THE CASEWORKER CONDUCTED THE VISIT WITH THE CHILD AND VERIFIED THE WELL
37 BEING OF THE CHILD. SUCH FORM SHALL BE SIGNED AND DATED BY BOTH THE
38 CHILD'S PARENT OR LEGAL GUARDIAN AND THE CASEWORKER AT EACH VISIT WHERE
39 A PHOTOGRAPH IS NOT TAKEN. Such regulations shall also require local
40 child protective services to comply with notification requirements of
41 the family court act in connection with such monitoring and supervisory
42 responsibilities.

43 S 3. Section 372 of the social services law is amended by adding a new
44 subdivision 4-c to read as follows:

45 4-C. THE RECORDS MAINTAINED PURSUANT TO THIS SECTION BY ANY CASEWORK-
46 ER, CHILD PROTECTIVE SERVICES EMPLOYEE OR AUTHORIZED AGENCY AS DEFINED
47 IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE WHO HAS CONTACT WITH
48 A FOSTER CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITOR-
49 ING, SHALL DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
50 CHILD DURING SUCH VISIT OR CONTACT CONSISTENT WITH THE REQUIREMENTS SET
51 FORTH IN SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-ONE OF THIS
52 ARTICLE.

53 S 4. This act shall take effect immediately.