

1052--B

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. PARKER, HASSELL-THOMPSON -- 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 -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to the establishment of the independent office of the child advocate; and repealing certain provisions of such law relating to the office of the ombudsman

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

1 Section 1. Subtitle B of title 3 of article 19-G of the executive law
2 is REPEALED.
3 S 2. The executive law is amended by adding a new article 19-I to read
4 as follows:
5 ARTICLE 19-I
6 INDEPENDENT OFFICE OF THE CHILD ADVOCATE
7 SECTION 533. INDEPENDENT OFFICE OF THE CHILD ADVOCATE; CREATION.
8 534. DEFINITIONS.
9 535. THE CHILD ADVOCATE.
10 536. DUTIES OF THE CHILD ADVOCATE.
11 537. POWERS OF THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE.
12 538. DUTY TO MAINTAIN CONFIDENTIALITY.
13 539. ADDITIONAL PROVISIONS.
14 S 533. INDEPENDENT OFFICE OF THE CHILD ADVOCATE; CREATION. THERE IS
15 HEREBY CREATED IN THE EXECUTIVE DEPARTMENT, AN INDEPENDENT OFFICE OF THE
16 CHILD ADVOCATE, WHICH SHALL:
17 1. EXAMINE, EVALUATE AND REPORT TO THE GOVERNOR AND THE LEGISLATURE
18 ON:

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

LBD01331-05-2

1 (A) PARTICULAR AND SYSTEMIC ISSUES IN PUBLICLY FUNDED PROGRAMS OVER-
2 SEEN BY THE OFFICE OF CHILDREN AND FAMILY SERVICES; AND

3 (B) MULTI-SYSTEMIC ISSUES THAT CHILDREN IN THE CARE, CUSTODY OR GUAR-
4 DIANSHIP OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL
5 SERVICES DISTRICT, AND THE FAMILIES OF SUCH CHILDREN EXPERIENCE IN
6 ACCESSING NEEDED SERVICES ACROSS SYSTEMS; AND

7 2. ADVOCATE FOR, AND REPORT TO THE GOVERNOR AND THE LEGISLATURE ON
8 SUGGESTED STATUTORY, REGULATORY OR POLICY CHANGES AIMED AT IMPROVING
9 OUTCOMES AND SERVICES FOR CHILDREN AND THEIR FAMILIES IN NEW YORK STATE.

10 S 534. DEFINITIONS. AS USED IN THIS ARTICLE:

11 1. "CHILD" OR "CHILDREN" MEANS:

12 (A) A PERSON, OR PERSONS UNDER THE AGE OF EIGHTEEN; OR

13 (B) A PERSON OR PERSONS UNDER THE AGE OF TWENTY-ONE WHO HAS BEEN
14 PLACED INTO THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
15 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT PURSUANT TO
16 ARTICLE THREE, SEVEN OR TEN OF THE FAMILY COURT ACT OR SECTION THREE
17 HUNDRED FIFTY-EIGHT-A, THREE HUNDRED EIGHTY-THREE-C, THREE HUNDRED
18 EIGHTY-FOUR-A OR THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES LAW;
19 OR

20 (C) A PERSON OR PERSONS UNDER THE AGE OF TWENTY-ONE WHO IS PLACED IN
21 RESIDENTIAL CARE AS DEFINED IN SECTION FOUR HUNDRED TWELVE OF THE SOCIAL
22 SERVICES LAW.

23 2. "CHILD ADVOCATE" MEANS THE PERSON APPOINTED PURSUANT TO SUBDIVISION
24 ONE OF SECTION FIVE HUNDRED THIRTY-FIVE OF THIS ARTICLE TO DIRECT AND
25 OVERSEE THE ACTIVITIES OF THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE.

26 S 535. THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL BE AN INDIVID-
27 UAL WITH AT LEAST FIVE YEARS EXPERIENCE IN THE GENERAL SUBJECT AREA OF
28 EITHER CHILD WELFARE, JUVENILE JUSTICE OR CHILDHOOD BEHAVIORAL HEALTH,
29 WHO SHALL BE APPOINTED BY THE GOVERNOR UPON THE ADVICE AND CONSENT OF
30 THE SENATE FOR A TERM OF FIVE YEARS. THE CHILD ADVOCATE SHALL CONTINUE
31 TO HOLD SUCH POSITION UNTIL HIS OR HER SUCCESSOR IS APPOINTED, BUT MAY
32 BE REMOVED FROM HIS OR HER POSITION IF THE GOVERNOR SHALL DETERMINE THAT
33 SUCH CHILD ADVOCATE HAS ABUSED HIS OR HER RIGHTS, POWERS, OR DUTIES
34 ESTABLISHED PURSUANT TO THIS ARTICLE OR THAT HE OR SHE HAS WILLFULLY
35 FAILED TO CARRY OUT THE DUTIES REQUIRED BY THIS ARTICLE. THE CHILD ADVO-
36 CATE SHALL REPORT TO THE GOVERNOR, WHO SHALL FIX THE COMPENSATION OF THE
37 CHILD ADVOCATE WITHIN AMOUNTS APPROPRIATED THEREFOR.

38 2. THE CHILD ADVOCATE MAY HIRE OR APPOINT PERSONS AS MAY BE DEEMED
39 NECESSARY TO CARRY OUT THE DUTIES OF THE INDEPENDENT OFFICE OF THE CHILD
40 ADVOCATE. THE DUTIES OF PERSONS EMPLOYED OR APPOINTED BY THE CHILD ADVO-
41 CATE SHALL BE PERFORMED UNDER THE ADVICE AND SUPERVISION OF THE CHILD
42 ADVOCATE. PERSONS EMPLOYED OR APPOINTED BY THE INDEPENDENT OFFICE OF THE
43 CHILD ADVOCATE SHALL BE INDIVIDUALS WITH EXPERTISE IN THE AREAS OF CHILD
44 WELFARE, JUVENILE JUSTICE, CHILDHOOD BEHAVIORAL HEALTH, FOSTER CARE,
45 PREVENTIVE SERVICES, OR CHILD CARE, AS EVIDENCED BY EXPERTISE IN THE
46 FIELD, PRACTICE, ADVOCACY OR BY ACADEMIC BACKGROUND, THE LEVEL AND
47 SUFFICIENCY OF WHICH SHALL BE DETERMINED BY THE CHILD ADVOCATE. THE
48 CHILD ADVOCATE SHALL FIX THE COMPENSATION OF PERSONS EMPLOYED OR
49 APPOINTED BY THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE WITHIN AMOUNTS
50 APPROPRIATED THEREFOR.

51 S 536. DUTIES OF THE CHILD ADVOCATE. 1. THE CHILD ADVOCATE SHALL:

52 (A) EXAMINE, EVALUATE, INVESTIGATE AND REPORT TO THE GOVERNOR AND THE
53 LEGISLATURE ON PARTICULAR AND SYSTEMIC ISSUES IN PUBLICLY FUNDED
54 PROGRAMS OVERSEEN BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AND
55 LOCAL SOCIAL SERVICES DISTRICTS, INCLUDING BUT NOT LIMITED TO CHILD

1 WELFARE, JUVENILE JUSTICE, FOSTER CARE, CHILD PROTECTIVE, CHILD CARE AND
2 PREVENTATIVE SERVICES; AND
3 (B) EXAMINE, EVALUATE, INVESTIGATE AND REPORT TO THE GOVERNOR AND THE
4 LEGISLATURE ON MULTI-SYSTEMIC ISSUES THAT CHILDREN IN THE CARE, CUSTODY
5 OR GUARDIANSHIP OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL
6 SOCIAL SERVICES DISTRICT, AND THE FAMILIES OF SUCH CHILDREN, EXPERIENCE
7 IN ACCESSING NEEDED SERVICES ACROSS SYSTEMS; AND
8 (C) MONITOR THE IMPLEMENTATION OF THE POLICIES, REGULATIONS AND STAT-
9 UTES OF STATE AGENCIES WHICH MAY BE APPLICABLE TO THE LEGAL RIGHTS OF
10 CHILDREN IN THE CARE, CUSTODY OR GUARDIANSHIP OF THE OFFICE OF CHILDREN
11 AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, OR THE FAMILIES
12 OF SUCH CHILDREN; AND
13 (D) MONITOR THE IMPLEMENTATION OF POLICIES, REGULATIONS AND STATUTES
14 WHICH MAY HAVE AN IMPACT ON PUBLICLY FUNDED PROGRAMS OVERSEEN BY THE
15 OFFICE OF CHILDREN AND FAMILY SERVICES, INCLUDING BUT NOT LIMITED TO
16 CHILD WELFARE, JUVENILE JUSTICE, FOSTER CARE, CHILD PROTECTIVE, CHILD
17 CARE AND PREVENTATIVE SERVICES; AND
18 (E) RECOMMEND CHANGES IN STATE POLICIES, STATUTES AND REGULATIONS
19 CONCERNING CHILDREN IN THE CARE, CUSTODY OR GUARDIANSHIP OF THE OFFICE
20 OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, AND
21 THE FAMILIES OF SUCH CHILDREN; AND
22 (F) RECOMMEND CHANGES IN STATE POLICIES, STATUTES, AND REGULATIONS
23 CONCERNING PUBLICLY FUNDED PROGRAMS THAT SERVICE CHILDREN AND FAMILIES,
24 INCLUDING BUT NOT LIMITED TO CHILD WELFARE, JUVENILE JUSTICE, FOSTER
25 CARE, CHILD PROTECTIVE, CHILD CARE AND PREVENTATIVE SERVICES, ADMINIS-
26 TERED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES OR LOCAL SOCIAL
27 SERVICES DISTRICTS; AND
28 (G) TAKE APPROPRIATE ACTIONS AIMED AT PROMOTION OF THE RIGHTS, SAFETY,
29 WELL-BEING, AND BEST INTERESTS OF CHILDREN IN NEW YORK STATE, INCLUDING,
30 BUT NOT LIMITED TO, UNDERTAKING LEGISLATIVE ADVOCACY, CONDUCTING PUBLIC
31 HEARINGS AND MAKING PROPOSALS FOR ADMINISTRATIVE OR SYSTEMIC REFORM; AND
32 (H) PROVIDE ADMINISTRATIVE SUPERVISION AND OVERSIGHT TO THE INDEPEND-
33 ENT OFFICE OF THE CHILD ADVOCATE AND DEVOTE FULL-TIME TO THE DUTIES OF
34 HIS OR HER OFFICE; AND
35 (I) CONDUCT PERIODIC INSPECTIONS, EVALUATIONS OR REVIEWS OF ANY FACIL-
36 ITY OPERATED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AT ANY TIME,
37 WITH OR WITHOUT PRIOR NOTICE. FACILITY DIRECTORS AND STAFF SHALL COOP-
38 ERATE WITH SUCH INSPECTION, EVALUATION OR REVIEW. AN ADVOCATE SHALL HAVE
39 THE RIGHT TO INSPECT THE FACILITY, VISIT ALL AREAS AND OBSERVE ALL PARTS
40 AND ASPECTS OF SUCH FACILITY PROGRAM; AND
41 (J) REPORT TO THE GOVERNOR AND THE LEGISLATURE AS NEEDED, BUT NOT LESS
42 THAN TWICE PER YEAR. SUCH REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC,
43 UNLESS SUCH MATERIALS ARE CONFIDENTIAL PURSUANT TO STATUTE, AND SHALL
44 INCLUDE BUT NOT BE LIMITED TO:
45 (A) INFORMATION CONCERNING THE NUMBER AND TYPES OF REVIEWS, EVALU-
46 ATIONS AND INVESTIGATIONS CONDUCTED BY THE INDEPENDENT OFFICE OF THE
47 CHILD ADVOCATE; AND
48 (B) ANY RECOMMENDATIONS BY THE CHILD ADVOCATE FOR LEGISLATIVE, REGULA-
49 TORY, OR PUBLIC POLICY CHANGES.
50 2. IF AFTER EXAMINATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION,
51 THE CHILD ADVOCATE IDENTIFIES A SYSTEMIC PROBLEM IN HOW SERVICES ARE
52 PROVIDED TO CHILDREN IN THE CARE, CUSTODY, OR GUARDIANSHIP OF THE OFFICE
53 OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES DISTRICT, BY
54 THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR A LOCAL SOCIAL SERVICES
55 DISTRICT, OR ANY PUBLIC OR PRIVATE ENTITY WHICH CONTRACTS WITH THE
56 OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES

1 DISTRICT TO PROVIDE SERVICES TO SUCH CHILDREN, THE CHILD ADVOCATE SHALL
2 PROVIDE SUCH OFFICE, DISTRICT, AGENCY OR ENTITY A WRITTEN REPORT OUTLIN-
3 ING THE FINDINGS AND RECOMMENDATIONS OF THE CHILD ADVOCATE.

4 (A) AN OFFICE, DISTRICT, AGENCY OR ENTITY NAMED IN A REPORT BY THE
5 CHILD ADVOCATE AS DESCRIBED IN THIS SUBDIVISION SHALL HAVE THE OPTION TO
6 RESPOND IN WRITING TO THE CHILD ADVOCATE'S FINDINGS, PROVIDED HOWEVER
7 THAT SUCH WRITTEN RESPONSE MUST BE ISSUED WITHIN NINETY DAYS OF SUCH
8 OFFICE, DISTRICT, AGENCY OR ENTITY'S RECEIPT OF THE APPLICABLE REPORT BY
9 THE CHILD ADVOCATE.

10 (B) WITHIN THIRTY DAYS AFTER THE RECEIPT OF A RESPONSE FROM AN OFFICE,
11 DISTRICT, AGENCY OR ENTITY AS DESCRIBED IN THIS SUBDIVISION, THE CHILD
12 ADVOCATE SHALL ISSUE SUCH RESPONSE, AND THE REPORT ISSUED BY THE CHILD
13 ADVOCATE PURSUANT TO THIS SUBDIVISION, TO THE GOVERNOR AND THE LEGISLA-
14 TURE.

15 (C) IF A RESPONSE OR A WRITTEN REQUEST FOR AN ADDITIONAL THIRTY DAYS
16 WITH AN EXPLANATION IS NOT RECEIVED BY THE CHILD ADVOCATE WITHIN NINETY
17 DAYS FROM THE DATE THAT THE CHILD ADVOCATE SENT SUCH REPORT TO SUCH
18 OFFICE, DISTRICT, AGENCY OR ENTITY, THE CHILD ADVOCATE SHALL PROVIDE
19 SUCH REPORT TO THE GOVERNOR AND THE LEGISLATURE WITH A NOTICE STATING
20 THAT SUCH OFFICE, DISTRICT, AGENCY OR ENTITY FAILED TO ISSUE A TIMELY
21 WRITTEN RESPONSE TO THE REPORT BY THE CHILD ADVOCATE.

22 S 537. POWERS OF THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE.
23 NOTWITHSTANDING ANY PROVISION OF LAW OR REGULATION TO THE CONTRARY, THE
24 INDEPENDENT OFFICE OF THE CHILD ADVOCATE SHALL HAVE ACCESS TO, INCLUDING
25 THE RIGHT TO INSPECT AND COPY, ANY RECORDS NECESSARY TO CARRY OUT ITS
26 RIGHTS, POWERS AND DUTIES PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT
27 LIMITED TO, PERSONNEL RECORDS THAT BEAR ON ANY ISSUE BEING REVIEWED,
28 EVALUATED, OR INVESTIGATED AND RECORDS OF CHILDREN UNDER THE CARE OF THE
29 OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL SOCIAL SERVICES
30 DISTRICT THAT BEAR ON ANY ISSUE BEING REVIEWED, EVALUATED, OR INVESTI-
31 GATED. THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE SHALL ALSO HAVE THE
32 AUTHORITY TO SUBPOENA RECORDS AND WITNESSES, AND TO CONDUCT INTERVIEWS
33 WITH ANY PERSON NECESSARY TO CARRY OUT ITS RIGHTS, POWERS AND DUTIES
34 PURSUANT TO THIS ARTICLE, INCLUDING BUT NOT LIMITED TO STAFF AND CHIL-
35 DREN UNDER CARE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES OR A LOCAL
36 SOCIAL SERVICES DISTRICT.

37 S 538. DUTY TO MAINTAIN CONFIDENTIALITY. ALL RECORDS OF THE INDEPEND-
38 ENT OFFICE OF THE CHILD ADVOCATE PERTAINING TO THE FULFILLMENT OF THE
39 CHILD ADVOCATE'S RIGHTS, POWERS AND DUTIES PURSUANT TO THIS ARTICLE, AND
40 ALL RECORDS OBTAINED BY THE CHILD ADVOCATE SHALL BE KEPT CONFIDENTIAL,
41 PROVIDED HOWEVER, THAT LIMITED INFORMATION CONTAINED IN SUCH RECORDS MAY
42 BE RELEASED BY THE CHILD ADVOCATE, IF APPROPRIATE, AND UPON APPROVAL OF
43 THE CHILD ADVOCATE, SO LONG AS THE INFORMATION TO BE RELEASED WOULD NOT
44 IDENTIFY THE CHILD OR CHILDREN THE CHILD ADVOCATE WAS SERVING OR THE
45 NAMES OF THE PARENTS OR SIBLINGS OF SUCH CHILD OR CHILDREN.

46 S 539. ADDITIONAL PROVISIONS. 1. THE STATE SHALL PROTECT AND HOLD
47 HARMLESS ANY PERSON EMPLOYED OR APPOINTED BY THE CHILD ADVOCATE, FROM
48 FINANCIAL LOSS AND EXPENSE, INCLUDING LEGAL FEES AND COSTS, IF ANY,
49 ARISING OUT OF ANY CLAIM, DEMAND OR SUIT FOR DAMAGES RESULTING FROM ACTS
50 OR OMISSIONS COMMITTED IN THE DISCHARGE OF HIS OR HER RIGHTS, POWERS AND
51 DUTIES WITHIN THE SCOPE OF HIS OR HER EMPLOYMENT OR APPOINTMENT WHICH
52 MAY CONSTITUTE NEGLIGENCE BUT WHICH ACTS ARE NOT WANTON, MALICIOUS OR
53 GROSSLY NEGLIGENT AS DETERMINED BY A COURT OF COMPETENT JURISDICTION.

54 2. NO STATE OR LOCAL AGENCY, DEPARTMENT, OFFICE, OR ENTITY SHALL
55 DISCHARGE, OR IN ANY MANNER DISCRIMINATE OR RETALIATE AGAINST, ANY
56 PERSON WHO IN GOOD FAITH MAKES A COMPLAINT TO, OR COOPERATES WITH, THE

1 CHILD ADVOCATE IN A REVIEW OR EVALUATION CONDUCTED BY THE CHILD ADVOCATE. NO EMPLOYEE OF ANY STATE OR LOCAL DEPARTMENT OR OFFICE OR OF ANY
2
3 PRIVATE ENTITY SHALL RETALIATE AGAINST ANY PERSON WHO MAKES A COMPLAINT
4 TO, OR WHO COOPERATES WITH THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE
5 IN A REVIEW, INVESTIGATION OR EVALUATION CONDUCTED BY THE INDEPENDENT
6 OFFICE OF THE CHILD ADVOCATE.

7 3. ALL COMMUNICATIONS TO THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE
8 SHALL REMAIN CONFIDENTIAL. ANY COMPLAINT FILED BY ANY PERSON WITH THE
9 INDEPENDENT OFFICE OF THE CHILD ADVOCATE SHALL REMAIN CONFIDENTIAL.

10 4. ALL YOUTH RESIDING IN A JUVENILE JUSTICE FACILITY SHALL BE PERMIT-
11 TED REASONABLE ACCESS TO A TELEPHONE TO MAKE A TOLL FREE CALL OR SHALL
12 BE SUPPLIED WRITING MATERIALS IN ORDER TO WRITE LETTERS TO THE INDEPEND-
13 ENT OFFICE OF THE CHILD ADVOCATE UPON THE YOUTH'S REQUEST. ANY COMMUNI-
14 CATIONS BETWEEN SUCH YOUTH AND THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE SHALL REMAIN CONFIDENTIAL AND SHALL NOT BE MONITORED BY ANY MEMBER
15 OF THE FACILITY'S STAFF.
16

17 5. THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE MAY APPLY FOR AND
18 ACCEPT GRANTS, GIFTS AND BEQUESTS OF FUNDS FROM PRIVATE INDIVIDUALS AND
19 FOUNDATIONS FOR THE PURPOSE OF CARRYING OUT STUDIES UNDER THIS ARTICLE.
20 THE FUNDS SHALL BE EXPENDED IN ACCORDANCE WITH THE PROVISIONS OF SUCH
21 GRANT, GIFT OR BEQUEST.

22 6. THE CHILD ADVOCATE SHALL TAKE ALL POSSIBLE ACTIONS INCLUDING, BUT
23 NOT LIMITED TO, CONDUCTING PROGRAMS OF PUBLIC EDUCATION, UNDERTAKING
24 LEGISLATIVE ADVOCACY AND MAKING PROPOSALS FOR ADMINISTRATIVE CORRECTION
25 OR REFORM AND FORMAL LEGAL ACTION, IN ORDER TO SECURE AND ENSURE THE
26 LEGAL, CIVIL AND SPECIAL RIGHTS OF CHILDREN.

27 7. THE CHILD ADVOCATE SHALL TAKE THE APPROPRIATE STEPS TO MAKE THE
28 EXISTENCE AND AVAILABILITY OF THE CHILD ADVOCATE WIDELY KNOWN, BY APPROPRIATE AND ACTIVE MEANS, TO CHILDREN AND ADULTS.

29 8. THE CHILD ADVOCATE SHALL CREATE INFORMATIONAL MATERIALS FOR CHILDREN REGARDING THE RIGHTS OF CHILDREN WHEN THEY ARE IN DETENTION
30 CENTERS, FOSTER CARE, FACILITIES OPERATED BY THE OFFICE OF CHILDREN AND
31 FAMILY SERVICES, JAILS, OR PRISONS AND THE METHODS AND ASSISTANCE AVAILABLE TO ENFORCE THOSE RIGHTS.
32

33 S 3. Subdivision 16 of section 501 of the executive law, as renumbered
34 by chapter 170 of the laws of 1994, is renumbered subdivision 17 and a
35 new subdivision 16 is added to read as follows:

36 16. THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
37 SHALL PROMULGATE REGULATIONS REQUIRING THAT NO SERVICES, FACILITIES,
38 ENTITIES OR PROGRAMS UNDER THE JURISDICTION OF THE OFFICE OF CHILDREN
39 AND FAMILY SERVICES SHALL RESTRICT OR PROHIBIT ACCESS TO FACILITIES,
40 RECORDS OR INDIVIDUALS TO THE INDEPENDENT OFFICE OF THE CHILD ADVOCATE
41 UPON REQUEST, UNLESS THE DISCLOSURE OF SUCH RECORDS ARE OTHERWISE
42 PROHIBITED BY FEDERAL LAW OR REGULATION.
43

44 S 4. This act shall take effect April 1, 2013; provided, however, that
45 effective immediately, the addition, amendment and/or repeal of any rule
46 or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or
47 before the effective date.
48
49