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

1040--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sens. KLEIN, ADAMS, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Aging -- recommitted to the Committee on Aging 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 social services law, in relation to the tracking and reporting of elder abuse; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Subdivisions 6 and 7 of section 473 of the social services law are renumbered subdivisions 7 and 8 and a new subdivision 6 is added to read as follows:

6. (A) THE OFFICE OF CHILDREN AND FAMILY SERVICES (HEREINAFTER REFERRED TO IN THIS SECTION AS THE "OFFICE") SHALL, IN COOPERATION WITH THE OFFICE FOR THE AGING, COLLECT DATA ON ELDER ABUSE POSSESSED BY STATE AND LOCAL AGENCIES, INCLUDING BUT NOT LIMITED TO THE DIVISION OF CRIMINAL JUSTICE SERVICES, THE DEPARTMENT OF LAW, THE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE AND THE DEPARTMENT OF HEALTH, FOR THE PURPOSE OF IDENTIFYING THE INCIDENCE OF ELDER ABUSE AMONG THE ELDERLY. THE OFFICE SHALL CREATE INTERAGENCY REPORTING SYSTEMS THAT CONTAIN A UNIFORM SET OF STANDARDS TO COLLECT AND ANALYZE SUCH DATA. FURTHERMORE, THE OFFICE, IN CONSULTATION WITH THE OFFICE FOR THE AGING, SHALL ESTABLISH A DEFINITION FOR ELDER ABUSE AND THE MINIMUM AGE OF AN ELDERLY PERSON, THAT ENABLES THE OFFICE TO ACCURATELY COMPARE SIMILAR DATA FROM DIFFERENT STATE AND LOCAL AGENCIES. FOR THE PURPOSES OF THIS SUBDIVISION, THE OFFICE AND THE OFFICE FOR THE AGING, IN ESTABLISHING THE DEFINITION OF ELDER ABUSE, MAY INCORPORATE THE TYPES OF PHYSICAL, SEXUAL AND EMOTIONAL ABUSE, ACTIVE AND PASSIVE NEGLECT, AND FINANCIAL EXPLOITATION DEFINED IN SUBDIVISION SEVEN OF THIS SECTION.

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

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(B) COUNTY AND CITY SOCIAL SERVICES AGENCIES, ADULT PROTECTIVE SERVICES UNITS AND PROTECTIVE SERVICES FOR ADULTS UNITS SHALL REPORT INCIDENCES OF ELDER ABUSE, AS DEFINED BY THE OFFICE, TO THE OFFICE IN THE FORMAT SPECIFIED BY SUCH OFFICE AND INCLUDING, BUT NOT LIMITED TO, THE NUMBER OF REFERRALS, INVESTIGATIONS, SUBSTANTIATED CASES, AND DEMOGRAPHIC INFORMATION ON VICTIMS AND PERPETRATORS.

(C) THE OFFICE SHALL, IN COOPERATION WITH THE OFFICE FOR THE AGING, ISSUE A REPORT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY, ON OR BEFORE MARCH FIRST IN ODD NUMBERED YEARS. SUCH REPORT SHALL OUTLINE ITS RECOMMENDATIONS FOR DEFINING THE TERM "ELDER ABUSE" IN STATUTE, THE TYPES OF REPORTING REQUIREMENTS THAT SHOULD BE INSTITUTED TO PREVENT THE INCIDENCE OF ELDER ABUSE, AND THE PROGRAMS AVAILABLE TO PREVENT ELDER ABUSE AND TO PROVIDE SERVICES TO VICTIMS OF ELDER ABUSE.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall expire and be deemed repealed January 1, 2017.