

S. 5388

A. 7728

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, FUSCHILLO, JOHNSON, KRUGER, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

IN ASSEMBLY -- Introduced by M. of A. MILLMAN, SCARBOROUGH, COOK, MENG, P. RIVERA, JAFFEE, MONTESANO, RAIA -- 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

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

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

LBD10668-03-1

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

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

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

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

43 4-C. THE RECORDS MAINTAINED PURSUANT TO THIS SECTION BY ANY CASEWORK-
44 ER, CHILD PROTECTIVE SERVICES EMPLOYEE OR AUTHORIZED AGENCY AS DEFINED
45 IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE WHO HAS CONTACT WITH
46 A FOSTER CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITOR-
47 ING, SHALL DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
48 CHILD DURING SUCH VISIT OR CONTACT CONSISTENT WITH THE REQUIREMENTS SET
49 FORTH IN SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-ONE OF THIS
50 ARTICLE.

51 S 4. This act shall take effect immediately.