

6115

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sen. BONACIC -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring investigation of all reports of child abuse made by a hospital or medical or law enforcement personnel

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

1 Section 1. Paragraph (b) of subdivision 2 of section 422 of the social
2 services law, as added by chapter 717 of the laws of 1986, is amended to
3 read as follows:

4 (b) (I) Any telephone call made by a person required to report cases
5 of suspected child abuse or maltreatment pursuant to section four
6 hundred thirteen of this [chapter] TITLE containing allegations, which
7 if true would constitute child abuse or maltreatment shall constitute a
8 report and shall be immediately transmitted orally or electronically by
9 the department to the appropriate local child protective service for
10 investigation.

11 (II) WHEN A TELEPHONE CALL ATTEMPTING TO MAKE A REPORT OF CHILD ABUSE
12 AND MALTREATMENT IS MADE BY A PERSON REQUIRED TO MAKE SUCH REPORTS
13 PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE AND SUCH TELE-
14 PHONE CALL IS RECEIVED FROM A PHYSICIAN, REGISTERED NURSE, HOSPITAL
15 PERSONNEL ENGAGED IN THE EXAMINATION, CARE OR TREATMENT OF PERSONS,
16 REGISTERED PHYSICIAN'S ASSISTANT OR FROM A SOCIAL WORKER OR PSYCHOL-
17 OGIST; OR BY A LAW ENFORCEMENT OFFICIAL, SUCH TELEPHONE CALL SHALL, IF
18 NOT OTHERWISE REFERRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,
19 CONSTITUTE A REPORT AND SHALL BE IMMEDIATELY TRANSMITTED TO THE APPRO-
20 PRIATE CHILD PROTECTIVE SERVICE FOR INVESTIGATION IN THE MANNER PROVIDED
21 FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

22 S 2. Section 424 of the social services law is amended by adding a new
23 subdivision 9-a to read as follows:

24 9-A. ESTABLISH IN COOPERATION AND CONSULTATION WITH HOSPITALS, MEDICAL
25 CLINICS AND LAW ENFORCEMENT OFFICIALS WITHIN THE SOCIAL SERVICES
26 DISTRICT, PROCEDURES AND PROTOCOLS FOR THE COOPERATION AND COORDINATION

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

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1 OF CHILD PROTECTIVE SERVICES WITH MANDATED REPORTERS AND MEDICAL AND LAW
2 ENFORCEMENT PERSONNEL SERVING THE SOCIAL SERVICES DISTRICT. SUCH PROCE-
3 DURES AND PROTOCOLS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

4 (I) ESTABLISHMENT STANDARDIZED DOCUMENTATION AND PROCEDURES BY WHICH A
5 HOSPITAL MAY BE DIRECTED BY THE CHILD PROTECTIVE SERVICE TO KEEP A CHILD
6 IN PROTECTIVE CUSTODY PURSUANT TO APPLICABLE PROVISIONS OF THE FAMILY
7 COURT ACT AND THIS CHAPTER;

8 (II) ESTABLISHMENT PROCEDURES FOR THE IDENTIFICATION OF CHILD PROTEC-
9 TIVE SERVICES WORKERS AND THE NOTIFICATION TO HOSPITALS THAT SUCH WORK-
10 ERS ARE PRESENT AND CONDUCTING INVESTIGATIONS OR INTERVIEWS WITHIN THE
11 HOSPITAL;

12 (III) COORDINATION WITH HOSPITALS AND WHERE APPROPRIATE, LAW ENFORCE-
13 MENT OFFICIALS REGARDING PLANS FOR THE DISCHARGE OF CHILDREN SUSPECTED
14 OF BEING ABUSED OR MALTREATED FROM THE HOSPITAL, INCLUDING THE RESPONSI-
15 BILITIES OF THE CHILD'S PARENTS OR GUARDIANS TO PROVIDE MEDICAL OR OTHER
16 THERAPEUTIC OR PREVENTIVE SERVICES TO THE CHILD; AND

17 (IV) ESTABLISH SYSTEMS OF ACCESS AND COMMUNICATION BETWEEN HOSPITALS,
18 LAW ENFORCEMENT AND THE CHILD PROTECTIVE SERVICE TO PROVIDE FOR THE
19 CONSISTENT AND ONGOING PROTECTION AND SUPERVISION OF CHILDREN AT RISK
20 WITHIN THE DISTRICT;

21 S 3. This act shall take effect on the one hundred twentieth day after
22 it shall have become a law.