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

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I N A S S E M B L Y

May 16, 2014

Introduced by M. of A. LUPARDO, HEVESI, PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring written comments to be included in reports by local social services districts on the death of certain children

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

Section 1. Subdivision 5 of section 20 of the social services law, as amended by chapter 12 of the laws of 1996, paragraph (a) as amended by section 1 of part D of chapter 501 of the laws of 2012 and paragraph (d) as amended by chapter 136 of the laws of 1999, is amended to read as follows:

5. (a) In the case of the death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency, other than a vulnerable person as defined in article eleven of this chapter, or the death of a child for whom any local department of social services has an open child protective services or preventive services case, or in the case of a report made to the statewide central register of child abuse and maltreatment involving the death of a child, the office of children and family services shall (i) investigate or provide for an investigation of the cause of and circumstances surrounding such death, (ii) review such investigation, and (iii) prepare and issue a report on such death, except where a report is issued by an approved local or regional fatality review team in accordance with section four hundred twenty-two-b of this chapter.

(b) Such report shall include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding such child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to such child's death, (v) any action or further investigation undertaken by the department or by the local social services district since the death of the child, [and] (vi) as appropri-

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

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ate, recommendations for local or state administrative or policy changes, AND (VII) WRITTEN COMMENTS AS MAY BE PROVIDED BY ANY LOCAL SOCIAL SERVICES DISTRICT REFERENCED IN SUCH REPORT.

Such report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child or any other members of the child's household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the department or a local social services district. In making a fatality report available to the public pursuant to paragraph (c) of this subdivision, the department may respond to a child specific request for such report if the commissioner determines that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household, pursuant to subdivision five of section four hundred twenty-two-a of this chapter. Except as it may apply directly to the cause of the death of the child, nothing herein shall be deemed to authorize the release or disclosure to the public of the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family.

(c) THIRTY DAYS PRIOR TO THE RELEASE OF THE REPORT THE DEPARTMENT SHALL FORWARD THE PROPOSED REPORT TO EACH LOCAL SOCIAL SERVICES DISTRICT REFERENCED IN THE REPORT. WITHIN TWENTY DAYS THEREAFTER EACH LOCAL SOCIAL SERVICES DISTRICT MAY PROVIDE WRITTEN COMMENTS WHICH THE DEPARTMENT SHALL INCLUDE WITHIN THE REPORT. No later than six months from the date of the death of such child, the department shall forward its report to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child's death occurred and the social services district which had care and custody or custody and guardianship of the child, if different. The department shall notify the temporary president of the senate and the speaker of the assembly as to the issuance of such reports and, in addition to the requirements of section seventeen of this chapter, shall submit an annual cumulative report to the governor and the legislature incorporating the data in the above reports and including appropriate findings and recommendations. Such reports concerning the death of a child and such cumulative reports shall immediately thereafter be made available to the public after such forwarding or submittal.

(d) To enable the office of children and family services or a local or regional fatality review team to prepare such report, the office of children and family services or a local or regional fatality review team may request and shall timely receive from departments, boards, bureaus or other agencies of the state, or any of its political subdivisions, or any duly authorized agency, or any other agency which provided assistance, care or services to the deceased child such information as they are authorized to provide.

S 2. This act shall take effect immediately.