

4441--B

2013-2014 Regular Sessions

I N S E N A T E

April 1, 2013

Introduced by Sen. GOLDEN -- 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 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;

18 (b) photographs of visible physical injuries or trauma of children who
19 may be the victims of abuse or maltreatment shall be taken or arranged
20 for;

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

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1 (c) medical examination of a child who may be a victim of abuse or
2 maltreatment and documentation of findings of such examination, shall be
3 required.

4 The department shall promulgate regulations to establish standards for
5 intervention, criteria for case closings, criteria for determining
6 whether or not to initiate a child protective proceeding, and criteria
7 for the formulation of treatment plans and for the delivery of child
8 protective services including specification of the services to be clas-
9 sified as child protective services, which shall also apply to any soci-
10 ety for the prevention of cruelty to children which has entered into a
11 currently valid contract with a local department of social services to
12 investigate child abuse or maltreatment reports. The department shall
13 promulgate regulations establishing minimum standards and practices for
14 the delivery of child protective services in connection with monitoring
15 and supervising respondents and their families as ordered by a family
16 court pursuant to section ten hundred thirty-nine and paragraphs (i),
17 (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two
18 of the family court act. THE DEPARTMENT SHALL REQUIRE THAT EVERY CASE-
19 WORKER, CHILD PROTECTIVE SERVICES EMPLOYEE OR ANY PERSON ACTING PURSUANT
20 TO A CONTRACT FOR SERVICES WITH A LOCAL SOCIAL SERVICES DEPARTMENT WHO
21 HAS CONTACT WITH A CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND
22 MONITORING, TO DOCUMENT EACH SUCH CONTACT WITH A TIME STAMPED PHOTOGRAPH
23 OF THE FRONT DOOR OF THE RESIDENCE WHERE SUCH CHILD IS DOMICILED DURING
24 SUCH VISIT OR CONTACT USING A TABLET, CELLULAR PHONE OR COMPARABLE
25 DEVICE THAT IS GLOBAL POSITIONING SATELLITE DEVICE CAPABLE. SUCH PHOTO-
26 GRAPH SHALL BE PART OF THE CONFIDENTIAL CASE RECORD FOR SUCH CHILD AND
27 SHALL BE SUBJECT TO PERIODIC REVIEW BY THE SUPERVISOR OF THE CASE. SUCH
28 PHOTOGRAPH MUST BE OF SUFFICIENT QUALITY TO CLEARLY IDENTIFY THE FRONT
29 DOOR OF THE RESIDENCE WHERE THE CHILD IS DOMICILED, AND CONTAIN ACCURATE
30 DATA WITH REGARD TO THE TIME AND DATE OF THE PHOTOGRAPH. THE SUPERVISING
31 AUTHORITY SHALL ALSO REQUIRE THAT THE CASEWORKER GEOGRAPHICALLY DOCUMENT
32 SUCH VISIT UTILIZING TECHNOLOGY ALLOWING FOR THE GEOGRAPHIC DOCUMENTA-
33 TION. IF THE PARENT OR LEGAL GUARDIAN OBJECTS TO THE PHOTOGRAPH OF THE
34 ENTRANCE TO THE RESIDENCE WHERE THE CHILD IS DOMICILED OR FOR THE
35 GEOGRAPHIC DOCUMENTATION OF THE VISIT, THE CASEWORKER SHALL PROVIDE A
36 FORM, SUPPLIED BY THE CASEWORKER'S AGENCY OF EMPLOYMENT, STATING THAT
37 THE CASEWORKER CONDUCTED THE VISIT WITH THE CHILD AND VERIFIED THE WELL
38 BEING OF THE CHILD. SUCH FORM SHALL INDICATE WHICH PROCEDURE OR PROCE-
39 DURES PRESCRIBED IN THIS SECTION WERE OBJECTED TO AND SHALL BE SIGNED
40 AND DATED BY BOTH THE CHILD'S PARENT OR LEGAL GUARDIAN AND THE CASEWORK-
41 ER. SUCH FORM SHALL BE UTILIZED AT EACH VISIT WHERE EITHER A PHOTOGRAPH
42 IS NOT TAKEN OR THE VISIT IS NOT GEOGRAPHICALLY DOCUMENTED. Such regu-
43 lations REQUIRED UNDER THIS SUBDIVISION shall also require local child
44 protective services to comply with notification requirements of the
45 family court act in connection with such monitoring and supervisory
46 responsibilities.

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

49 4-C. THE RECORDS MAINTAINED PURSUANT TO THIS SECTION BY ANY CASEWORK-
50 ER, CHILD PROTECTIVE SERVICES EMPLOYEE OR AUTHORIZED AGENCY AS DEFINED
51 IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE WHO HAS CONTACT WITH
52 A FOSTER CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITOR-
53 ING, SHALL DOCUMENT EACH SUCH CONTACT IN ACCORDANCE WITH THE REQUIRE-
54 MENTS SET FORTH IN SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-ONE
55 OF THIS ARTICLE.

56 S 4. This act shall take effect immediately.