

7667

I N S E N A T E

May 27, 2014

Introduced by Sen. FELDER -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services

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:

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

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

19 (b) Such report shall include (i) the cause of death, whether from
20 natural or other causes, (ii) identification of child protective or
21 other services provided or actions taken regarding such child and his or
22 her family, (iii) any extraordinary or pertinent information concerning
23 the circumstances of the child's death, (iv) whether the child or the
24 child's family had received assistance, care or services from the social
25 services district prior to such child's death, (v) any action or further
26 investigation undertaken by the department or by the local social
27 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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1 ate, recommendations for local or state administrative or policy
2 changes, AND (VII) WRITTEN COMMENTS AS MAY BE PROVIDED BY ANY LOCAL
3 SOCIAL SERVICES DISTRICT REFERENCED IN SUCH REPORT.

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

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

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

47 S 2. This act shall take effect immediately.