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I N   S E N A T E

October 22, 2014

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Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the social services law, in relation to expanding the persons responsible for reporting cases of suspected child abuse to include employees, volunteers, or agents of any corporate entity having an agreement with a municipality as a homeless shelter provider and the development of procedures related thereto

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

1     Section 1. Paragraph (a) of subdivision 1 of section 413 of the social  
2     services law, as amended by chapter 126 of the laws of 2014, is amended  
3     to read as follows:  
4     (a) The following persons and officials are required to report or  
5     cause a report to be made in accordance with this title when they have  
6     reasonable cause to suspect that a child coming before them in their  
7     professional or official capacity is an abused or maltreated child, or  
8     when they have reasonable cause to suspect that a child is an abused or  
9     maltreated child where the parent, guardian, custodian or other person  
10    legally responsible for such child comes before them in their profes-  
11    sional or official capacity and states from personal knowledge facts,  
12    conditions or circumstances which, if correct, would render the child an  
13    abused or maltreated child: any physician; registered physician assist-  
14    ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
15    osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
16    psychologist; registered nurse; social worker; emergency medical techni-  
17    cian; licensed creative arts therapist; licensed marriage and family  
18    therapist; licensed mental health counselor; licensed psychoanalyst;  
19    licensed behavior analyst; certified behavior analyst assistant; hospi-  
20    tal personnel engaged in the admission, examination, care or treatment  
21    of persons; a Christian Science practitioner; school official, which  
22    includes but is not limited to school teacher, school guidance counse-  
23    lor, school psychologist, school social worker, school nurse, school  
24    administrator or other school personnel required to hold a teaching or  
25    administrative license or certificate; social services worker; director

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

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1 of a children's overnight camp, summer day camp or traveling summer day  
2 camp, as such camps are defined in section thirteen hundred ninety-two  
3 of the public health law; day care center worker; school-age child care  
4 worker; provider of family or group family day care; employee or volun-  
5 teer in a residential care facility for children that is licensed,  
6 certified or operated by the office of children and family services; or  
7 any other child care or foster care worker; mental health professional;  
8 substance abuse counselor; alcoholism counselor; all persons creden-  
9 tialed by the office of alcoholism and substance abuse services; peace  
10 officer; police officer; district attorney or assistant district attor-  
11 ney; investigator employed in the office of a district attorney; or  
12 other law enforcement official; OR EMPLOYEES, VOLUNTEERS, OR AGENTS OF  
13 ANY CORPORATE ENTITY HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOME-  
14 LESS SHELTER PROVIDER.

15 S 2. Paragraph (a) of subdivision 1 of section 413 of the social  
16 services law, as separately amended by chapters 126 and 205 of the laws  
17 of 2014, is amended to read as follows:

18 (a) The following persons and officials are required to report or  
19 cause a report to be made in accordance with this title when they have  
20 reasonable cause to suspect that a child coming before them in their  
21 professional or official capacity is an abused or maltreated child, or  
22 when they have reasonable cause to suspect that a child is an abused or  
23 maltreated child where the parent, guardian, custodian or other person  
24 legally responsible for such child comes before them in their profes-  
25 sional or official capacity and states from personal knowledge facts,  
26 conditions or circumstances which, if correct, would render the child an  
27 abused or maltreated child: any physician; registered physician assist-  
28 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
29 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
30 psychologist; registered nurse; social worker; emergency medical techni-  
31 cian; licensed creative arts therapist; licensed marriage and family  
32 therapist; licensed mental health counselor; licensed psychoanalyst;  
33 licensed behavior analyst; certified behavior analyst assistant; hospi-  
34 tal personnel engaged in the admission, examination, care or treatment  
35 of persons; a Christian Science practitioner; school official, which  
36 includes but is not limited to school teacher, school guidance counse-  
37 lor, school psychologist, school social worker, school nurse, school  
38 administrator or other school personnel required to hold a teaching or  
39 administrative license or certificate; full or part-time compensated  
40 school employee required to hold a temporary coaching license or profes-  
41 sional coaching certificate; social services worker; director of a chil-  
42 dren's overnight camp, summer day camp or traveling summer day camp, as  
43 such camps are defined in section thirteen hundred ninety-two of the  
44 public health law; day care center worker; school-age child care worker;  
45 provider of family or group family day care; employee or volunteer in a  
46 residential care facility for children that is licensed, certified or  
47 operated by the office of children and family services; or any other  
48 child care or foster care worker; mental health professional; substance  
49 abuse counselor; alcoholism counselor; all persons credentialed by the  
50 office of alcoholism and substance abuse services; peace officer; police  
51 officer; district attorney or assistant district attorney; investigator  
52 employed in the office of a district attorney; or other law enforcement  
53 official; OR EMPLOYEES, VOLUNTEERS, OR AGENTS OF ANY CORPORATE ENTITY  
54 HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

1 S 3. Subdivision 5-a of section 488 of the social services law, as  
2 added by section 1 of part B of chapter 501 of the laws of 2012, is  
3 amended to read as follows:

4 5-a. "Human services professional" shall mean any: physician; regis-  
5 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
6 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
7 resident; intern; psychologist; registered nurse; licensed practical  
8 nurse; nurse practitioner; social worker; emergency medical technician;  
9 licensed creative arts therapist; licensed marriage and family thera-  
10 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
11 behavior analyst; certified behavior analyst assistant; licensed  
12 speech/language pathologist or audiologist; licensed physical therapist;  
13 licensed occupational therapist; hospital personnel engaged in the  
14 admission, examination, care or treatment of persons; Christian Science  
15 practitioner; school official, which includes but is not limited to  
16 school teacher, school guidance counselor, school psychologist, school  
17 social worker, school nurse, school administrator or other school  
18 personnel required to hold a teaching or administrative license or  
19 certificate; social services worker; any other child care or foster care  
20 worker; mental health professional; person credentialed by the office of  
21 alcoholism and substance abuse services; peace officer; police officer;  
22 district attorney or assistant district attorney; investigator employed  
23 in the office of a district attorney; or other law enforcement official;  
24 EMPLOYEES, VOLUNTEERS AND AGENTS OF ANY CORPORATE AGENT HAVING AN AGREE-  
25 MENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

26 S 4. Subdivision 5-a of section 488 of the social services law, as  
27 amended by chapter 205 of the laws of 2014, is amended to read as  
28 follows:

29 5-a. "Human services professional" shall mean any: physician; regis-  
30 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
31 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
32 resident; intern; psychologist; registered nurse; licensed practical  
33 nurse; nurse practitioner; social worker; emergency medical technician;  
34 licensed creative arts therapist; licensed marriage and family thera-  
35 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
36 behavior analyst; certified behavior analyst assistant; licensed  
37 speech/language pathologist or audiologist; licensed physical therapist;  
38 licensed occupational therapist; hospital personnel engaged in the  
39 admission, examination, care or treatment of persons; Christian Science  
40 practitioner; school official, which includes but is not limited to  
41 school teacher, school guidance counselor, school psychologist, school  
42 social worker, school nurse, school administrator or other school  
43 personnel required to hold a teaching or administrative license or  
44 certificate; full or part-time compensated school employee required to  
45 hold a temporary coaching license or professional coaching certificate;  
46 social services worker; any other child care or foster care worker;  
47 mental health professional; person credentialed by the office of alco-  
48 holism and substance abuse services; peace officer; police officer;  
49 district attorney or assistant district attorney; investigator employed  
50 in the office of a district attorney; or other law enforcement official;  
51 EMPLOYEES, VOLUNTEERS AND AGENTS OF ANY CORPORATE AGENT HAVING AN AGREE-  
52 MENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

53 S 5. Section 413 of the social services law is amended by adding a new  
54 subdivision 5 to read as follows:

55 5. ANY PERSON, INSTITUTION OR CORPORATE AGENT HAVING AN AGREEMENT WITH  
56 A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER WHICH EMPLOYS PERSONS WHO

1 ARE MANDATED TO REPORT SUSPECTED INCIDENTS OF CHILD ABUSE OR MALTREAT-  
2 MENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL DEVELOP, MAINTAIN  
3 AND DISSEMINATE WRITTEN POLICIES AND PROCEDURES PURSUANT TO TITLE SIX OF  
4 ARTICLE SIX OF THE SOCIAL SERVICES LAW AND APPLICABLE PROVISIONS OF  
5 ARTICLE TEN OF THE FAMILY COURT ACT, REGARDING THE MANDATORY REPORTING  
6 OF CHILD ABUSE OR NEGLECT, REPORTING PROCEDURES AND OBLIGATIONS OF  
7 PERSONS REQUIRED TO REPORT, PROVISIONS FOR TAKING A CHILD INTO PROTEC-  
8 TIVE CUSTODY, MANDATORY REPORTING OF DEATHS, IMMUNITY FROM LIABILITY,  
9 PENALTIES FOR FAILURE TO REPORT, AND OBLIGATIONS FOR THE PROVISION OF  
10 SERVICES AND PROCEDURES NECESSARY TO SAFEGUARD THE LIFE OR HEALTH OF THE  
11 CHILD; AND ESTABLISH, AND IMPLEMENT ON AN ONGOING BASIS, A TRAINING  
12 PROGRAM FOR ALL CURRENT AND NEW EMPLOYEES REGARDING THE POLICIES AND  
13 PROCEDURES ESTABLISHED PURSUANT TO THIS SUBDIVISION.

14 S 6. This act shall take effect immediately; provided that the amend-  
15 ments to paragraph (a) of subdivision 1 of section 413 of the social  
16 services law made by section two of this act shall take effect on the  
17 same date and in the same manner as section 1 of chapter 205 of the laws  
18 of 2014 takes effect; further provided, that the amendments to subdivi-  
19 sion 5-a of section 488 of the social services law made by section four  
20 of this act shall take effect on the same date and in the same manner as  
21 section 2 of chapter 205 of the laws of 2014 takes effect.