

3821

2013-2014 Regular Sessions

I N A S S E M B L Y

January 29, 2013

Introduced by M. of A. MILLMAN, SCARBOROUGH, COOK, JAFFEE, MONTESANO, RAIA, PERRY, GIBSON, MAISEL, WEPRIN -- Multi-Sponsored by -- M. of A. ARROYO, BRENNAN, CERETTO, CROUCH, DUPREY, GABRYSZAK, GUNTHER, McLAUGHLIN, SALADINO, SCHIMEL -- read once and referred to the Committee on Children and Families

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, DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
23 CHILD DURING SUCH VISIT OR CONTACT. SUCH PHOTOGRAPH SHALL BE PART OF THE
24 CONFIDENTIAL CASE RECORD FOR SUCH CHILD AND SHALL BE SUBJECT TO PERIODIC
25 REVIEW BY THE SUPERVISOR OF THE CASE. SUCH PHOTOGRAPH MUST BE OF SUFFI-
26 CIENT QUALITY TO CLEARLY IDENTIFY THE CHILD, AND CONTAIN ACCURATE DATA
27 WITH REGARD TO THE TIME AND DATE OF THE PHOTOGRAPH. WHERE THE PARENT OR
28 LEGAL GUARDIAN OF THE CHILD OBJECTS TO THE CASEWORKER TAKING A PHOTO-
29 GRAPH OF THE CHILD DURING THE VISIT, THE CASEWORKER SHALL PROVIDE A
30 FORM, SUPPLIED BY THE CASEWORKER'S AGENCY OF EMPLOYMENT, STATING THAT
31 THE CASEWORKER CONDUCTED THE VISIT WITH THE CHILD AND VERIFIED THE WELL
32 BEING OF THE CHILD. SUCH FORM SHALL BE SIGNED AND DATED BY BOTH THE
33 CHILD'S PARENT OR LEGAL GUARDIAN AND THE CASEWORKER AT EACH VISIT WHERE
34 A PHOTOGRAPH IS NOT TAKEN. Such regulations shall also require local
35 child protective services to comply with notification requirements of
36 the family court act in connection with such monitoring and supervisory
37 responsibilities.

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

40 4-C. THE RECORDS MAINTAINED PURSUANT TO THIS SECTION BY ANY CASEWORK-
41 ER, CHILD PROTECTIVE SERVICES EMPLOYEE OR AUTHORIZED AGENCY AS DEFINED
42 IN SECTION THREE HUNDRED SEVENTY-ONE OF THIS TITLE WHO HAS CONTACT WITH
43 A FOSTER CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITOR-
44 ING, SHALL DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE
45 CHILD DURING SUCH VISIT OR CONTACT CONSISTENT WITH THE REQUIREMENTS SET
46 FORTH IN SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-ONE OF THIS
47 ARTICLE.

48 S 4. This act shall take effect immediately.