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

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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:

Section 1. This act shall be known and may be cited as "Marchella Pierce's Law".

S 2. Subdivision 3 of section 421 of the social services law, as amended by chapter 718 of the laws of 1986, paragraph (a) as amended by chapter 110 of the laws of 1989 and the closing paragraph as amended by chapter 320 of the laws of 1990, is amended to read as follows:

3. promulgate regulations setting forth requirements for the performance by local social services departments of the duties and powers imposed and conferred upon them by the provisions of this title and of article ten of the family court act. Such regulations shall establish uniform requirements for the investigation of reports of child abuse or maltreatment under this title. The department shall also issue guidelines which shall set forth the circumstances or conditions under which:

(a) personal contact shall be made with the child named in the report and any other children in the same household, including interviewing such child or children absent the subject of the report whenever possible and appropriate;

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

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

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

The department shall promulgate regulations to establish standards for intervention, criteria for case closings, criteria for determining whether or not to initiate a child protective proceeding, and criteria for the formulation of treatment plans and for the delivery of child protective services including specification of the services to be classified as child protective services, which shall also apply to any society for the prevention of cruelty to children which has entered into a currently valid contract with a local department of social services to investigate child abuse or maltreatment reports. The department shall promulgate regulations establishing minimum standards and practices for the delivery of child protective services in connection with monitoring and supervising respondents and their families as ordered by a family court pursuant to section ten hundred thirty-nine and paragraphs (i), (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two of the family court act. THE DEPARTMENT SHALL REQUIRE THAT EVERY CASEWORKER, CHILD PROTECTIVE SERVICES EMPLOYEE OR ANY PERSON ACTING PURSUANT TO A CONTRACT FOR SERVICES WITH A LOCAL SOCIAL SERVICES DEPARTMENT WHO HAS CONTACT WITH A CHILD AS PART OF A TREATMENT PLAN OR SUPERVISION AND MONITORING, DOCUMENT EACH SUCH CONTACT WITH A PHOTOGRAPH TAKEN OF THE CHILD DURING SUCH VISIT OR CONTACT. SUCH PHOTOGRAPH SHALL BE PART OF THE CONFIDENTIAL CASE RECORD FOR SUCH CHILD AND SHALL BE SUBJECT TO PERIODIC REVIEW BY THE SUPERVISOR OF THE CASE. SUCH PHOTOGRAPH MUST BE OF SUFFICIENT QUALITY TO CLEARLY IDENTIFY THE CHILD, AND CONTAIN ACCURATE DATA WITH REGARD TO THE TIME AND DATE OF THE PHOTOGRAPH. WHERE THE PARENT OR LEGAL GUARDIAN OF THE CHILD OBJECTS TO THE CASEWORKER TAKING A PHOTOGRAPH OF THE CHILD DURING THE VISIT, THE CASEWORKER SHALL PROVIDE A FORM, SUPPLIED BY THE CASEWORKER'S AGENCY OF EMPLOYMENT, STATING THAT THE CASEWORKER CONDUCTED THE VISIT WITH THE CHILD AND VERIFIED THE WELL BEING OF THE CHILD. SUCH FORM SHALL BE SIGNED AND DATED BY BOTH THE CHILD'S PARENT OR LEGAL GUARDIAN AND THE CASEWORKER AT EACH VISIT WHERE A PHOTOGRAPH IS NOT TAKEN. Such regulations shall also require local child protective services to comply with notification requirements of the family court act in connection with such monitoring and supervisory responsibilities.

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

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

S 4. This act shall take effect immediately.