

4055

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 30, 2013

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Introduced by M. of A. WEISENBERG, DUPREY, GIGLIO, TITONE, GABRYSZAK, ROSENTHAL, ROBINSON, McKEVITT, GUNTHER, TITUS, GIBSON, JAFFEE, SWEENEY, ROBERTS, STEVENSON, COLTON, LAVINE, MONTESANO, BARRON, MILLMAN, HEVESI, LOSQUADRO, CASTRO, McDONOUGH, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ARROYO, BOYLAND, BRAUNSTEIN, CORWIN, CRESPO, CROUCH, HEASTIE, HIKIND, MARKEY, RA, SALADINO -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law and the mental hygiene law, in relation to reports of abuse or neglect in residential facilities or programs

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

1     Section 1.     Subdivisions 6, 7 and 8 of section 424-c of the social  
2 services law are renumbered subdivisions 7, 8 and 9 and a new subdivi-  
3 sion 6 is added to read as follows:  
4     6. GIVE TELEPHONE NOTICE AND FORWARD IMMEDIATELY A COPY OF REPORTS  
5 MADE PURSUANT TO SECTION FOUR HUNDRED TWELVE-A OF THIS TITLE WHICH  
6 INVOLVE AN ABUSED CHILD IN RESIDENTIAL CARE AS DEFINED IN PARAGRAPH (B),  
7 (C) OR (D) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED TWELVE-A OF THIS  
8 TITLE TO THE APPROPRIATE LOCAL LAW ENFORCEMENT. A LOCAL LAW ENFORCEMENT  
9 AGENCY MAY AFFORD THE OFFICE OF CHILDREN AND FAMILY SERVICES AN OPPORTU-  
10 NITY TO CONDUCT ANY RESULTING INVESTIGATION JOINTLY. THE LOCAL LAW  
11 ENFORCEMENT AGENCY MAY REQUEST IN WRITING ADDITIONAL REPORTS, AND SHALL  
12 SPECIFY THE KINDS OF ALLEGATIONS FOR WHICH NOTICE AND COPIES OF REPORTS  
13 SHALL BE REQUIRED PURSUANT TO THIS SUBDIVISION. NOTHING WITHIN THIS  
14 SUBDIVISION SHALL PROHIBIT THE OFFICE OF CHILDREN AND FAMILY SERVICES  
15 FROM CONSULTING WITH LOCAL LAW ENFORCEMENT ON ANY CHILD ABUSE OR  
16 MALTREATMENT REPORT;  
17     S 2. Subparagraphs f, g and h of paragraph 2 of subdivision (c) of  
18 section 45.07 of the mental hygiene law are relettered subparagraphs g,  
19 h and i and a new subparagraph f is added to read as follows:

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

LBD07648-01-3

1 F. GIVE TELEPHONE NOTICE AND FORWARD IMMEDIATELY A COPY OF REPORTS  
2 MADE PURSUANT TO SECTION FOUR HUNDRED TWELVE-A OF THE SOCIAL SERVICES  
3 LAW WHICH INVOLVE AN ABUSED CHILD IN RESIDENTIAL CARE AS DEFINED IN  
4 PARAGRAPH (B), (C) OR (D) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED  
5 TWELVE-A OF THE SOCIAL SERVICES LAW TO THE APPROPRIATE LOCAL LAW  
6 ENFORCEMENT. A LOCAL LAW ENFORCEMENT AGENCY MAY AFFORD THE OFFICE OF  
7 CHILDREN AND FAMILY SERVICES AN OPPORTUNITY TO CONDUCT ANY RESULTING  
8 INVESTIGATION JOINTLY. THE LOCAL LAW ENFORCEMENT AGENCY MAY REQUEST IN  
9 WRITING ADDITIONAL REPORTS, AND SHALL SPECIFY THE KINDS OF ALLEGATIONS  
10 FOR WHICH NOTICE AND COPIES OF REPORTS SHALL BE REQUIRED PURSUANT TO  
11 THIS SUBPARAGRAPH. NOTHING WITHIN THIS SUBPARAGRAPH SHALL PROHIBIT THE  
12 OFFICE OF CHILDREN AND FAMILY SERVICES FROM CONSULTING WITH LOCAL LAW  
13 ENFORCEMENT ON ANY CHILD ABUSE OR MALTREATMENT REPORT;

14 S 3. This act shall take effect immediately; provided, however, that  
15 the amendments to section 424-c of the social services law made by  
16 section one of this act shall not affect the repeal of such section and  
17 shall expire and be deemed repealed therewith; and provided, further,  
18 that the amendments to section 45.07 of the mental hygiene law made by  
19 section two of this act shall not affect the repeal of such section and  
20 shall expire and be deemed repealed therewith.