

7951

I N S E N A T E

October 22, 2014

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.