

1246

2015-2016 Regular Sessions

I N   A S S E M B L Y

January 8, 2015

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Introduced by M. of A. GUNTHER, MOSLEY, ROBERTS, MONTESANO, DUPREY,  
CROUCH -- Multi-Sponsored by -- M. of A. BARCLAY, COOK, HOOPER, McKEV-  
ITT -- read once and referred to the Committee on Children and Fami-  
lies

AN ACT to amend the social services law, in relation to requiring inves-  
tigation of all reports of child abuse made by a hospital or medical  
or law enforcement personnel

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

1     Section 1. Paragraph (b) of subdivision 2 of section 422 of the social  
2 services law, as added by chapter 717 of the laws of 1986, is amended to  
3 read as follows:  
4     (b) (I) Any telephone call made by a person required to report cases  
5 of suspected child abuse or maltreatment pursuant to section four  
6 hundred thirteen of this [chapter] TITLE containing allegations, which  
7 if true would constitute child abuse or maltreatment shall constitute a  
8 report and shall be immediately transmitted orally or electronically by  
9 the department to the appropriate local child protective service for  
10 investigation.  
11     (II) WHEN A TELEPHONE CALL ATTEMPTING TO MAKE A REPORT OF CHILD ABUSE  
12 AND MALTREATMENT IS MADE BY A PERSON REQUIRED TO MAKE SUCH REPORTS  
13 PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE AND SUCH TELE-  
14 PHONE CALL IS RECEIVED FROM A PHYSICIAN, REGISTERED NURSE, HOSPITAL  
15 PERSONNEL ENGAGED IN THE EXAMINATION, CARE OR TREATMENT OF PERSONS,  
16 REGISTERED PHYSICIAN'S ASSISTANT OR FROM A SOCIAL WORKER OR PSYCHOL-  
17 OGIST; OR BY A LAW ENFORCEMENT OFFICIAL, SUCH TELEPHONE CALL SHALL, IF  
18 NOT OTHERWISE REFERRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION,  
19 CONSTITUTE A REPORT AND SHALL BE IMMEDIATELY TRANSMITTED TO THE APPRO-  
20 PRIATE CHILD PROTECTIVE SERVICE FOR INVESTIGATION IN THE MANNER PROVIDED  
21 FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

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1 S 2. Section 424 of the social services law is amended by adding a new  
2 subdivision 9-a to read as follows:

3 9-A. ESTABLISH IN COOPERATION AND CONSULTATION WITH HOSPITALS, MEDICAL  
4 CLINICS AND LAW ENFORCEMENT OFFICIALS WITHIN THE SOCIAL SERVICES  
5 DISTRICT, PROCEDURES AND PROTOCOLS FOR THE COOPERATION AND COORDINATION  
6 OF CHILD PROTECTIVE SERVICES WITH MANDATED REPORTERS AND MEDICAL AND LAW  
7 ENFORCEMENT PERSONNEL SERVING THE SOCIAL SERVICES DISTRICT. SUCH PROCE-  
8 DURES AND PROTOCOLS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

9 (I) ESTABLISHMENT OF STANDARDIZED DOCUMENTATION AND PROCEDURES BY  
10 WHICH A HOSPITAL MAY BE DIRECTED BY THE CHILD PROTECTIVE SERVICE TO KEEP  
11 A CHILD IN PROTECTIVE CUSTODY PURSUANT TO APPLICABLE PROVISIONS OF THE  
12 FAMILY COURT ACT AND THIS CHAPTER;

13 (II) ESTABLISHMENT OF PROCEDURES FOR THE IDENTIFICATION OF CHILD  
14 PROTECTIVE SERVICES WORKERS AND THE NOTIFICATION TO HOSPITALS THAT SUCH  
15 WORKERS ARE PRESENT AND CONDUCTING INVESTIGATIONS OR INTERVIEWS WITHIN  
16 THE HOSPITAL;

17 (III) COORDINATION WITH HOSPITALS AND WHERE APPROPRIATE, LAW ENFORCE-  
18 MENT OFFICIALS REGARDING PLANS FOR THE DISCHARGE OF CHILDREN SUSPECTED  
19 OF BEING ABUSED OR MALTREATED FROM THE HOSPITAL, INCLUDING THE RESPONSI-  
20 BILITIES OF THE CHILD'S PARENTS OR GUARDIANS TO PROVIDE MEDICAL OR OTHER  
21 THERAPEUTIC OR PREVENTIVE SERVICES TO THE CHILD; AND

22 (IV) ESTABLISHMENT OF SYSTEMS OF ACCESS AND COMMUNICATION BETWEEN  
23 HOSPITALS, LAW ENFORCEMENT AND THE CHILD PROTECTIVE SERVICE TO PROVIDE  
24 FOR THE CONSISTENT AND ONGOING PROTECTION AND SUPERVISION OF CHILDREN AT  
25 RISK WITHIN THE DISTRICT;

26 S 3. This act shall take effect on the one hundred twentieth day after  
27 it shall have become a law.