

4139--A

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. KEARNS, KATZ -- Multi-Sponsored by -- M. of A. GIGLIO, MARKEY, McDONOUGH -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the family court act, in relation to the definition of "abused child"

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

1 Section 1. Subdivision 4-b of section 371 of the social services law,
2 as added by chapter 782 of the laws of 1971, the opening paragraph as
3 amended by chapter 518 of the laws of 1977, is amended to read as
4 follows:
5 4-b. "Abused child" means a child less than eighteen years of age
6 whose parent or other person legally responsible for his care
7 (i) inflicts or allows to be inflicted upon such child physical injury
8 by other than accidental means which causes or creates a substantial
9 risk of death, or serious or protracted disfigurement, or protracted
10 impairment of physical or emotional health or protracted loss or impair-
11 ment of the function of any bodily organ, OR THE IMPAIRMENT OF PHYSICAL
12 CONDITION OR SUBSTANTIAL PAIN, or
13 (ii) creates or allows to be created a substantial risk of physical
14 injury to such child by other than accidental means which would be like-
15 ly to cause death or serious or protracted disfigurement, or protracted
16 impairment of physical or emotional health or protracted loss or impair-
17 ment of the function of any bodily organ, OR THE IMPAIRMENT OF PHYSICAL
18 CONDITION OR SUBSTANTIAL PAIN, or
19 (iii) commits, or allows to be committed, an act of sexual abuse
20 against such child as defined in the penal law[.], OR
21 (IV) ALLOWS, PERMITS OR ENCOURAGES SUCH CHILD TO ENGAGE IN ANY ACT
22 DESCRIBED IN SECTIONS 230.25, 230.30 AND 230.32 OF THE PENAL LAW, OR

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

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1 (V) COMMITS ANY OF THE ACTS DESCRIBED IN SECTIONS 255.25, 255.26 AND
2 255.27 OF THE PENAL LAW, OR

3 (VI) ALLOWS SUCH CHILD TO ENGAGE IN ACTS OR CONDUCT DESCRIBED IN ARTI-
4 CLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW PROVIDED, HOWEVER, THAT (A)
5 THE CORROBORATION REQUIREMENTS CONTAINED IN THE PENAL LAW AND (B) THE
6 AGE REQUIREMENT FOR THE APPLICATION OF ARTICLE TWO HUNDRED SIXTY-THREE
7 OF SUCH LAW SHALL NOT APPLY TO PROCEEDINGS UNDER THIS ARTICLE.

8 S 2. Subdivision e of section 1012 of the family court act, as amended
9 by chapter 7 of the laws of 1999 and paragraph (iii) as amended by chap-
10 ter 320 of the laws of 2006, is amended to read as follows:

11 (e) "Abused child" means a child less than eighteen years of age whose
12 parent or other person legally responsible for his care

13 (i) inflicts or allows to be inflicted upon such child physical injury
14 by other than accidental means which causes or creates a substantial
15 risk of death, or serious or protracted disfigurement, or protracted
16 impairment of physical or emotional health or protracted loss or impair-
17 ment of the function of any bodily organ, OR THE IMPAIRMENT OF PHYSICAL
18 CONDITION OR SUBSTANTIAL PAIN, or

19 (ii) creates or allows to be created a substantial risk of physical
20 injury to such child by other than accidental means which would be like-
21 ly to cause death or serious or protracted disfigurement, or protracted
22 impairment of physical or emotional health or protracted loss or impair-
23 ment of the function of any bodily organ, OR THE IMPAIRMENT OF PHYSICAL
24 CONDITION OR SUBSTANTIAL PAIN, or

25 (iii) commits, or allows to be committed an offense against such child
26 defined in article one hundred thirty of the penal law[;], OR

27 (IV) allows, permits or encourages such child to engage in any act
28 described in sections 230.25, 230.30 and 230.32 of the penal law[;], OR

29 (V) commits any of the acts described in sections 255.25, 255.26 and
30 255.27 of the penal law[;], or

31 (VI) allows such child to engage in acts or conduct described in arti-
32 cle two hundred sixty-three of the penal law provided, however, that (a)
33 the corroboration requirements contained in the penal law and (b) the
34 age requirement for the application of article two hundred sixty-three
35 of such law shall not apply to proceedings under this article.

36 S 3. This act shall take effect immediately.