

2015-2016 Regular Sessions

I N A S S E M B L Y

January 7, 2015

Introduced by M. of A. LUPARDO -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to report protocol, and to amend chapter 544 of the laws of 2014, amending the social services law relating to requiring written comments to be included in reports by local social services districts on the death of certain children, in relation to the effectiveness thereof

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

1 Section 1. Paragraphs (b) and (c) of subdivision 5 of section 20 of
2 the social services law, as amended by chapter 544 of the laws of 2014,
3 are amended to read as follows:
4 (b) Such report shall include (i) the cause of death, whether from
5 natural or other causes, (ii) identification of child protective or
6 other services provided or actions taken regarding such child and his or
7 her family, (iii) any extraordinary or pertinent information concerning
8 the circumstances of the child's death, (iv) whether the child or the
9 child's family had received assistance, care or services from the social
10 services district prior to such child's death, (v) any action or further
11 investigation undertaken by the department or by the local social
12 services district since the death of the child, (vi) as appropriate,
13 recommendations for local or state administrative or policy changes, and
14 (vii) written comments as may be provided by any local social services
15 district referenced in such report, TO THE EXTENT THAT SUCH COMMENTS:
16 (A) PROTECT THE CONFIDENTIALITY AND PRIVACY OF THE DECEASED CHILD, HIS
17 OR HER SIBLINGS, THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR SUCH
18 CHILD, ANY OTHER MEMBERS OF SUCH CHILD'S HOUSEHOLD AND THE SOURCE OF ANY
19 REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT, AND (B) ARE RELEVANT TO
20 THE FATALITY REPORTED AND PERTAIN TO ANY OF THE PROVISIONS OF SUBPARA-
21 GRAPH (I), (II), (III), (IV), (V) OR (VI) OF THIS PARAGRAPH, PROVIDED

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

LBD07382-01-5

1 THAT ANY COMMENTS THAT PERTAIN TO SUBPARAGRAPHS (I), (II), (III), (IV)
2 OR (V) OF THIS PARAGRAPH MUST BE FACTUALLY ACCURATE.

3 Such report shall contain no information that would identify the name
4 of the deceased child, his or her siblings, the parent or other person
5 legally responsible for the child or any other members of the child's
6 household, but shall refer instead to the case, which may be denoted in
7 any fashion determined appropriate by the department or a local social
8 services district. In making a fatality report available to the public
9 pursuant to paragraph (c) of this subdivision, the department may
10 respond to a child specific request for such report if the commissioner
11 determines that such disclosure is not contrary to the best interests of
12 the deceased child's siblings or other children in the household, pursu-
13 ant to subdivision five of section four hundred twenty-two-a of this
14 chapter. Except as it may apply directly to the cause of the death of
15 the child, nothing herein shall be deemed to authorize the release or
16 disclosure to the public of the substance or content of any psycholog-
17 ical, psychiatric, therapeutic, clinical or medical reports, evaluations
18 or like materials or information pertaining to such child or the child's
19 family.

20 (c) [Thirty] TWENTY days prior to the release of the report the
21 department shall forward the proposed report to each local social
22 services district referenced in the report. Within [twenty] TEN days
23 thereafter, each local social services district may provide written
24 comments [which the] IN ACCORDANCE WITH SUBPARAGRAPH (VII) OF PARAGRAPH
25 (B) OF THIS SUBDIVISION TO THE DEPARTMENT IN THE FORM AND MANNER
26 REQUIRED BY THE DEPARTMENT TO BE INCLUDED BY THE department [shall
27 include] within the report. No later than six months from the date of
28 the death of such child, the department shall forward its report to the
29 social services district, chief county executive officer, chairperson of
30 the local legislative body of the county where the child's death
31 occurred and the social services district which had care and custody or
32 custody and guardianship of the child, if different. The department
33 shall notify the temporary president of the senate and the speaker of
34 the assembly as to the issuance of such reports and, in addition to the
35 requirements of section seventeen of this chapter, shall submit an annu-
36 al cumulative report to the governor and the legislature incorporating
37 the data in the above reports and including appropriate findings and
38 recommendations. Such reports concerning the death of a child and such
39 cumulative reports shall immediately thereafter be made available to the
40 public after such forwarding or submittal.

41 S 2. Section 2 of chapter 544 of the laws of 2014, amending the social
42 services law relating to requiring written comments to be included in
43 reports by local social services districts on the death of certain chil-
44 dren, is amended to read as follows:

45 S 2. This act shall take effect [immediately] ON THE NINETIETH DAY
46 AFTER IT SHALL HAVE BECOME A LAW AND SHALL APPLY TO FATALITY REPORTS
47 ISSUED ON OR AFTER SUCH DATE.

48 S 3. This act shall take effect immediately and shall be deemed to
49 have been in full force and effect on the same date as chapter 544 of
50 the laws of 2014 took effect, provided that the amendments made by
51 section one of this act shall take effect on the same date and in the
52 same manner as chapter 544 the laws of 2014, takes effect.