S T A T E O F N E W Y O R K

872

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:

Section 1. Paragraphs (b) and (c) of subdivision 5 of section 20 of the social services law, as amended by chapter 544 of the laws of 2014, are amended to read as follows:

(b) Such report shall include (i) the cause of death, whether from natural or other causes, (ii) identification of child protective or other services provided or actions taken regarding such child and his or her family, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to such child's death, (v) any action or further investigation undertaken by the department or by the local social services district since the death of the child, (vi) as appropriate, recommendations for local or state administrative or policy changes, and (vii) written comments as may be provided by any local social services district referenced in such report, TO THE EXTENT THAT SUCH COMMENTS: (A) PROTECT THE CONFIDENTIALITY AND PRIVACY OF THE DECEASED CHILD, HIS OR HER SIBLINGS, THE PARENT OR OTHER PERSON LEGALLY RESPONSIBLE FOR SUCH CHILD, ANY OTHER MEMBERS OF SUCH CHILD'S HOUSEHOLD AND THE SOURCE OF ANY REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT, AND (B) ARE RELEVANT TO THE FATALITY REPORTED AND PERTAIN TO ANY OF THE PROVISIONS OF SUBPARAGRAPH (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.

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

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

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

S 2. Section 2 of 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, is amended to read as follows:

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

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