

3977

2015-2016 Regular Sessions

I N   S E N A T E

February 25, 2015

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Introduced by Sens. PARKER, AVELLA, DILAN, PERKINS -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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

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

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1 includes but is not limited to school teacher, school guidance counse-  
2 lor, school psychologist, school social worker, school nurse, school  
3 administrator or other school personnel required to hold a teaching or  
4 administrative license or certificate; social services worker; director  
5 of a children's overnight camp, summer day camp or traveling summer day  
6 camp, as such camps are defined in section thirteen hundred ninety-two  
7 of the public health law; day care center worker; school-age child care  
8 worker; provider of family or group family day care; employee or volun-  
9 teer in a residential care facility for children that is licensed,  
10 certified or operated by the office of children and family services; or  
11 any other child care or foster care worker; mental health professional;  
12 substance abuse counselor; alcoholism counselor; all persons creden-  
13 tialed by the office of alcoholism and substance abuse services; peace  
14 officer; police officer; district attorney or assistant district attor-  
15 ney; investigator employed in the office of a district attorney; or  
16 other law enforcement official; OR EMPLOYEES, VOLUNTEERS, OR AGENTS OF  
17 ANY CORPORATE ENTITY HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOME-  
18 LESS SHELTER PROVIDER.

19 S 2. Paragraph (a) of subdivision 1 of section 413 of the social  
20 services law, as separately amended by chapters 126 and 205 of the laws  
21 of 2014, is amended to read as follows:

22 (a) The following persons and officials are required to report or  
23 cause a report to be made in accordance with this title when they have  
24 reasonable cause to suspect that a child coming before them in their  
25 professional or official capacity is an abused or maltreated child, or  
26 when they have reasonable cause to suspect that a child is an abused or  
27 maltreated child where the parent, guardian, custodian or other person  
28 legally responsible for such child comes before them in their profes-  
29 sional or official capacity and states from personal knowledge facts,  
30 conditions or circumstances which, if correct, would render the child an  
31 abused or maltreated child: any physician; registered physician assist-  
32 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;  
33 osteopath; optometrist; chiropractor; podiatrist; resident; intern;  
34 psychologist; registered nurse; social worker; emergency medical techni-  
35 cian; licensed creative arts therapist; licensed marriage and family  
36 therapist; licensed mental health counselor; licensed psychoanalyst;  
37 licensed behavior analyst; certified behavior analyst assistant; hospi-  
38 tal personnel engaged in the admission, examination, care or treatment  
39 of persons; a Christian Science practitioner; school official, which  
40 includes but is not limited to school teacher, school guidance counse-  
41 lor, school psychologist, school social worker, school nurse, school  
42 administrator or other school personnel required to hold a teaching or  
43 administrative license or certificate; full or part-time compensated  
44 school employee required to hold a temporary coaching license or profes-  
45 sional coaching certificate; social services worker; director of a chil-  
46 dren's overnight camp, summer day camp or traveling summer day camp, as  
47 such camps are defined in section thirteen hundred ninety-two of the  
48 public health law; day care center worker; school-age child care worker;  
49 provider of family or group family day care; employee or volunteer in a  
50 residential care facility for children that is licensed, certified or  
51 operated by the office of children and family services; or any other  
52 child care or foster care worker; mental health professional; substance  
53 abuse counselor; alcoholism counselor; all persons credentialed by the  
54 office of alcoholism and substance abuse services; peace officer; police  
55 officer; district attorney or assistant district attorney; investigator  
56 employed in the office of a district attorney; or other law enforcement

1 official; OR EMPLOYEES, VOLUNTEERS, OR AGENTS OF ANY CORPORATE ENTITY  
2 HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

3 S 3. Subdivision 5-a of section 488 of the social services law, as  
4 amended by chapter 8 of the laws of 2014, is amended to read as follows:

5 5-a. "Human services professional" shall mean any: physician; regis-  
6 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
7 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
8 resident; intern; psychologist; registered nurse; licensed practical  
9 nurse; nurse practitioner; social worker; emergency medical technician;  
10 licensed creative arts therapist; licensed marriage and family thera-  
11 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
12 behavior analyst; certified behavior analyst assistant; licensed  
13 speech/language pathologist or audiologist; licensed physical therapist;  
14 licensed occupational therapist; hospital personnel engaged in the  
15 admission, examination, care or treatment of persons; Christian Science  
16 practitioner; school official, which includes but is not limited to  
17 school teacher, school guidance counselor, school psychologist, school  
18 social worker, school nurse, school administrator or other school  
19 personnel required to hold a teaching or administrative license or  
20 certificate; social services worker; any other child care or foster care  
21 worker; mental health professional; person credentialed by the office of  
22 alcoholism and substance abuse services; peace officer; police officer;  
23 district attorney or assistant district attorney; investigator employed  
24 in the office of a district attorney; or other law enforcement official;  
25 EMPLOYEES, VOLUNTEERS AND AGENTS OF ANY CORPORATE AGENT HAVING AN AGREE-  
26 MENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

27 S 4. Subdivision 5-a of section 488 of the social services law, as  
28 amended by chapter 205 of the laws of 2014, is amended to read as  
29 follows:

30 5-a. "Human services professional" shall mean any: physician; regis-  
31 tered physician assistant; surgeon; medical examiner; coroner; dentist;  
32 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;  
33 resident; intern; psychologist; registered nurse; licensed practical  
34 nurse; nurse practitioner; social worker; emergency medical technician;  
35 licensed creative arts therapist; licensed marriage and family thera-  
36 pist; licensed mental health counselor; licensed psychoanalyst; licensed  
37 behavior analyst; certified behavior analyst assistant; licensed  
38 speech/language pathologist or audiologist; licensed physical therapist;  
39 licensed occupational therapist; hospital personnel engaged in the  
40 admission, examination, care or treatment of persons; Christian Science  
41 practitioner; school official, which includes but is not limited to  
42 school teacher, school guidance counselor, school psychologist, school  
43 social worker, school nurse, school administrator or other school  
44 personnel required to hold a teaching or administrative license or  
45 certificate; full or part-time compensated school employee required to  
46 hold a temporary coaching license or professional coaching certificate;  
47 social services worker; any other child care or foster care worker;  
48 mental health professional; person credentialed by the office of alco-  
49 holism and substance abuse services; peace officer; police officer;  
50 district attorney or assistant district attorney; investigator employed  
51 in the office of a district attorney; or other law enforcement official;  
52 EMPLOYEES, VOLUNTEERS AND AGENTS OF ANY CORPORATE AGENT HAVING AN AGREE-  
53 MENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

54 S 5. Section 413 of the social services law is amended by adding a new  
55 subdivision 5 to read as follows:

1       5. ANY PERSON, INSTITUTION OR CORPORATE AGENT HAVING AN AGREEMENT WITH  
2 A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER WHICH EMPLOYS PERSONS WHO  
3 ARE MANDATED TO REPORT SUSPECTED INCIDENTS OF CHILD ABUSE OR MALTREAT-  
4 MENT PURSUANT TO SUBDIVISION ONE OF THIS SECTION SHALL DEVELOP, MAINTAIN  
5 AND DISSEMINATE WRITTEN POLICIES AND PROCEDURES PURSUANT TO TITLE SIX OF  
6 ARTICLE SIX OF THE SOCIAL SERVICES LAW AND APPLICABLE PROVISIONS OF  
7 ARTICLE TEN OF THE FAMILY COURT ACT, REGARDING THE MANDATORY REPORTING  
8 OF CHILD ABUSE OR NEGLECT, REPORTING PROCEDURES AND OBLIGATIONS OF  
9 PERSONS REQUIRED TO REPORT, PROVISIONS FOR TAKING A CHILD INTO PROTEC-  
10 TIVE CUSTODY, MANDATORY REPORTING OF DEATHS, IMMUNITY FROM LIABILITY,  
11 PENALTIES FOR FAILURE TO REPORT, AND OBLIGATIONS FOR THE PROVISION OF  
12 SERVICES AND PROCEDURES NECESSARY TO SAFEGUARD THE LIFE OR HEALTH OF THE  
13 CHILD; AND ESTABLISH, AND IMPLEMENT ON AN ONGOING BASIS, A TRAINING  
14 PROGRAM FOR ALL CURRENT AND NEW EMPLOYEES REGARDING THE POLICIES AND  
15 PROCEDURES ESTABLISHED PURSUANT TO THIS SUBDIVISION.

16       S 6. This act shall take effect immediately; provided that the amend-  
17 ments to paragraph (a) of subdivision 1 of section 413 of the social  
18 services law made by section two of this act shall take effect on the  
19 same date and in the same manner as section 1 of chapter 205 of the laws  
20 of 2014 takes effect; further provided, that the amendments to subdivi-  
21 sion 5-a of section 488 of the social services law made by section four  
22 of this act shall take effect on the same date and in the same manner as  
23 section 2 of chapter 205 of the laws of 2014 takes effect.