

3977

2015-2016 Regular Sessions

I N S E N A T E

February 25, 2015

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.