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

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:

Section 1. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by chapter 126 of the laws of 2014, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment 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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includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; social services worker; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official; OR EMPLOYEES, VOLUNTEERS, OR AGENTS OF ANY CORPORATE ENTITY HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

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

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement

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

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

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

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

5-a. "Human services professional" shall mean any: physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; licensed practical nurse; nurse practitioner; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; licensed speech/language pathologist or audiologist; licensed physical therapist; licensed occupational therapist; hospital personnel engaged in the admission, examination, care or treatment of persons; Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; any other child care or foster care worker; mental health professional; person credentialed by the office of alcoholism and substance abuse services; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official; EMPLOYEES, VOLUNTEERS AND AGENTS OF ANY CORPORATE AGENT HAVING AN AGREEMENT WITH A MUNICIPALITY AS A HOMELESS SHELTER PROVIDER.

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

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

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