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

1246

2015-2016 Regular Sessions

I N A S S E M B L Y

January 8, 2015

Introduced by M. of A. GUNTHER, MOSLEY, ROBERTS, MONTESANO, DUPREY, CROUCH -- Multi-Sponsored by -- M. of A. BARCLAY, COOK, HOOPER, McKEVITT -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring investigation of all reports of child abuse made by a hospital or medical or law enforcement personnel

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

Section 1. Paragraph (b) of subdivision 2 of section 422 of the social services law, as added by chapter 717 of the laws of 1986, is amended to read as follows:

(b) (I) Any telephone call made by a person required to report cases of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this [chapter] TITLE containing allegations, which if true would constitute child abuse or maltreatment shall constitute a report and shall be immediately transmitted orally or electronically by the department to the appropriate local child protective service for investigation.

(II) WHEN A TELEPHONE CALL ATTEMPTING TO MAKE A REPORT OF CHILD ABUSE AND MALTREATMENT IS MADE BY A PERSON REQUIRED TO MAKE SUCH REPORTS PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE AND SUCH TELEPHONE CALL IS RECEIVED FROM A PHYSICIAN, REGISTERED NURSE, HOSPITAL PERSONNEL ENGAGED IN THE EXAMINATION, CARE OR TREATMENT OF PERSONS, REGISTERED PHYSICIAN'S ASSISTANT OR FROM A SOCIAL WORKER OR PSYCHOLOGIST; OR BY A LAW ENFORCEMENT OFFICIAL, SUCH TELEPHONE CALL SHALL, IF NOT OTHERWISE REFERRED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION, CONSTITUTE A REPORT AND SHALL BE IMMEDIATELY TRANSMITTED TO THE APPROPRIATE CHILD PROTECTIVE SERVICE FOR INVESTIGATION IN THE MANNER PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

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

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S 2. Section 424 of the social services law is amended by adding a new subdivision 9-a to read as follows:

9-A. ESTABLISH IN COOPERATION AND CONSULTATION WITH HOSPITALS, MEDICAL CLINICS AND LAW ENFORCEMENT OFFICIALS WITHIN THE SOCIAL SERVICES DISTRICT, PROCEDURES AND PROTOCOLS FOR THE COOPERATION AND COORDINATION OF CHILD PROTECTIVE SERVICES WITH MANDATED REPORTERS AND MEDICAL AND LAW ENFORCEMENT PERSONNEL SERVING THE SOCIAL SERVICES DISTRICT. SUCH PROCEDURES AND PROTOCOLS SHALL INCLUDE BUT SHALL NOT BE LIMITED TO:

(I) ESTABLISHMENT OF STANDARDIZED DOCUMENTATION AND PROCEDURES BY WHICH A HOSPITAL MAY BE DIRECTED BY THE CHILD PROTECTIVE SERVICE TO KEEP A CHILD IN PROTECTIVE CUSTODY PURSUANT TO APPLICABLE PROVISIONS OF THE FAMILY COURT ACT AND THIS CHAPTER;

(II) ESTABLISHMENT OF PROCEDURES FOR THE IDENTIFICATION OF CHILD PROTECTIVE SERVICES WORKERS AND THE NOTIFICATION TO HOSPITALS THAT SUCH WORKERS ARE PRESENT AND CONDUCTING INVESTIGATIONS OR INTERVIEWS WITHIN THE HOSPITAL;

(III) COORDINATION WITH HOSPITALS AND WHERE APPROPRIATE, LAW ENFORCEMENT OFFICIALS REGARDING PLANS FOR THE DISCHARGE OF CHILDREN SUSPECTED OF BEING ABUSED OR MALTREATED FROM THE HOSPITAL, INCLUDING THE RESPONSIBILITIES OF THE CHILD'S PARENTS OR GUARDIANS TO PROVIDE MEDICAL OR OTHER THERAPEUTIC OR PREVENTIVE SERVICES TO THE CHILD; AND

(IV) ESTABLISHMENT OF SYSTEMS OF ACCESS AND COMMUNICATION BETWEEN HOSPITALS, LAW ENFORCEMENT AND THE CHILD PROTECTIVE SERVICE TO PROVIDE FOR THE CONSISTENT AND ONGOING PROTECTION AND SUPERVISION OF CHILDREN AT RISK WITHIN THE DISTRICT;

S 3. This act shall take effect on the one hundred twentieth day after it shall have become a law.