

4225

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. SCARBOROUGH -- read once and referred to the
Committee on Children and Families

AN ACT to amend the social services law, in relation to information in
child fatality reports

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

1 Section 1. Paragraphs (b) and (c) of subdivision 5 of section 20 of
2 the social services law, as amended by chapter 544 of the laws of 2014,
3 are amended to read as follows:
4 (b) Such report shall CONTAIN A FACTUAL SECTION WHICH WILL include (i)
5 the cause of death, whether from natural or other causes, (ii) identifi-
6 cation of child protective or other services provided or actions taken
7 regarding such child and his or her family, (iii) any extraordinary or
8 pertinent information concerning the circumstances of the child's death,
9 (iv) whether the child or the child's family had received assistance,
10 care or services from the social services district prior to such child's
11 death, AND (v) any action or further investigation undertaken by the
12 [department] OFFICE OF CHILDREN AND FAMILY SERVICES or by the local
13 social services district since the death of the child[, (vi)]. IT SHALL
14 ALSO INCLUDE, as appropriate, A FINDINGS SECTION CONTAINING recommenda-
15 tions for local or state administrative or policy changes, and [(vii)]
16 written comments as may be provided by any local social services
17 district referenced in such report.
18 Such report shall contain no information that would identify the name
19 of the deceased child, his or her siblings, the parent or other person
20 legally responsible for the child or any other members of the child's
21 household, but shall refer instead to the case, which may be denoted in
22 any fashion determined appropriate by the [department] OFFICE OF CHIL-
23 DREN AND FAMILY SERVICES or a local social services district. In making
24 THE FACTUAL SECTION OF a fatality report available, THE OFFICE SHALL
25 DETERMINE WHETHER DISCLOSURE OF SUCH FACTUAL SECTION OF THE REPORT to

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

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1 the public pursuant to paragraph (c) of this subdivision[, the depart-
2 ment may respond to a child specific request for such report if the
3 commissioner determines that such disclosure is not] WILL BE contrary to
4 the best interests of the deceased child's siblings or other children in
5 the household, pursuant to subdivision five of section four hundred
6 twenty-two-a of this chapter. Except as it may apply directly to the
7 cause of the death of the child, nothing herein shall be deemed to
8 authorize the release or disclosure to the public of the substance or
9 content of any psychological, psychiatric, therapeutic, clinical or
10 medical reports, evaluations or like materials or information pertaining
11 to such child or the child's family.

12 (c) Thirty days prior to the release of the report the [department]
13 OFFICE OF CHILDREN AND FAMILY SERVICES shall forward the proposed report
14 to each local social services district referenced in the report. Within
15 twenty days thereafter each local social services district may provide
16 written comments which the [department] OFFICE OF CHILDREN AND FAMILY
17 SERVICES shall include within the report. No later than six months from
18 the date of the death of such child, the [department] OFFICE OF CHILDREN
19 AND FAMILY SERVICES shall forward its report to the social services
20 district, chief county executive officer, chairperson of the local
21 legislative body of the county where the child's death occurred and the
22 social services district which had care and custody or custody and guar-
23 dianship of the child, if different. The [department] OFFICE OF CHILDREN
24 AND FAMILY SERVICES shall notify the temporary president of the senate
25 and the speaker of the assembly as to the issuance of such reports and,
26 in addition to the requirements of section seventeen of this chapter,
27 shall submit an annual cumulative report to the governor and the legis-
28 lature incorporating the data in the above reports and including appro-
29 priate findings and recommendations. Such reports concerning the death
30 of a child and such cumulative reports shall immediately thereafter be
31 made available to the public after such forwarding or submittal;
32 PROVIDED, HOWEVER, THAT IF SUCH OFFICE DETERMINES THAT DISCLOSURE OF THE
33 FACTUAL SECTION OF A REPORT CONCERNING THE DEATH OF A CHILD WILL BE
34 CONTRARY TO THE BEST INTERESTS OF THE DECEASED CHILD'S SIBLINGS OR OTHER
35 CHILDREN IN THE HOUSEHOLD PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION,
36 THEN ONLY THE FINDINGS SECTION OF THE REPORT SHALL BE RELEASED TO THE
37 PUBLIC.

38 S 2. This act shall take effect on the sixtieth day after it shall
39 have become a law.