

6922

I N S E N A T E

March 7, 2016

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Aging

AN ACT to amend the social services law, in relation to investigating reports of suspected elder abuse or maltreatment

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

1 Section 1. Article 9-B of the social services law is amended by adding
2 a new title 4 to read as follows:

3 TITLE 4
4 ELDER ABUSE

5 SECTION 473-M. ELDER ABUSE REPORTING.

6 S 473-M. ELDER ABUSE REPORTING. 1. WITHIN AMOUNTS APPROPRIATED THERE-
7 FOR, THE COMMISSIONER SHALL ESTABLISH A PROGRAM FOR THE DEVELOPMENT OF A
8 MULTIDISCIPLINARY INVESTIGATIVE TEAM OR TEAMS FOR THE PURPOSE OF INVESTIGATING
9 REPORTS OF SUSPECTED ELDER ABUSE OR MALTREATMENT.

10 (A) THE PROGRAM SHALL PROVIDE THAT THE SOCIAL SERVICES DISTRICT SHALL
11 HAVE DISCRETION WITH REGARD TO THE CATEGORY OR CATEGORIES OF SUSPECTED
12 ELDER ABUSE OR MALTREATMENT SUCH TEAM OR TEAMS MAY INVESTIGATE,
13 PROVIDED, HOWEVER, THAT THE SOCIAL SERVICES DISTRICT SHALL PLACE PARTICULAR
14 EMPHASIS ON CASES INVOLVING PHYSICAL ABUSE, SEXUAL ABUSE, EMOTIONAL
15 ABUSE, ACTIVE, PASSIVE OR SELF NEGLECT, AND FINANCIAL EXPLOITATION AS
16 DEFINED IN SUBDIVISION SIX OF SECTION FOUR HUNDRED SEVENTY-THREE OF THE
17 SOCIAL SERVICES LAW.

18 (B) MEMBERS OF MULTIDISCIPLINARY TEAMS SHALL INCLUDE BUT NOT BE LIMITED
19 TO REPRESENTATIVES FROM THE FOLLOWING AGENCIES: ADULT PROTECTIVE
20 SERVICES, LAW ENFORCEMENT, THE DISTRICT ATTORNEY'S OFFICE, BANKS AND
21 FINANCIAL INSTITUTIONS, AS WELL AS FORENSIC ACCOUNTANTS, PHYSICIAN OR
22 MEDICAL PROVIDERS TRAINED IN ELDER ABUSE AND MALTREATMENT, MENTAL HEALTH
23 PROFESSIONALS, AND VICTIM ADVOCACY PERSONNEL. MEMBERS OF THE MULTIDISCIPLINARY
24 TEAM PRIMARILY RESPONSIBLE FOR THE INVESTIGATION OF ELDER ABUSE
25 AND MALTREATMENT REPORTS, INCLUDING THOSE REPRESENTATIVES FROM ADULT
26 PROTECTIVE SERVICES, LAW ENFORCEMENT, AND THE DISTRICT ATTORNEY'S
27 OFFICE, SHALL PARTICIPATE IN JOINT INTERVIEWS AND CONDUCT INVESTIGATIVE
28 FUNCTIONS CONSISTENT WITH THE MISSION OF THE PARTICULAR AGENCY MEMBER

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

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1 INVOLVED. IT SHALL NOT BE REQUIRED THAT MEMBERS OF A MULTIDISCIPLINARY
2 TEAM NOT RESPONSIBLE FOR THE INVESTIGATION OF REPORTS PARTICIPATE IN
3 EVERY INVESTIGATION. SUCH OTHER MEMBERS SHALL PROVIDE VICTIM ADVOCACY,
4 EMOTIONAL SUPPORT, AND ACCESS TO MEDICAL AND MENTAL HEALTH CARE, WHERE
5 APPLICABLE.

6 (C) ALL MEMBERS, CONSISTENT WITH THEIR RESPECTIVE AGENCY MISSIONS AND
7 PROFESSIONS, SHALL FACILITATE EFFICIENT DELIVERY OF SERVICES TO VICTIMS
8 AND APPROPRIATE DISPOSITION OF CASES THROUGH THE CRIMINAL JUSTICE SYSTEM
9 IN A COLLABORATIVE MANNER. HOWEVER, NON-INVESTIGATIVE TEAM MEMBERS
10 SHALL NOTE THEIR SPECIFIC ROLE IN THE TEAM FOR REPORTS COVERED BY THIS
11 SECTION.

12 (D) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY,
13 MEMBERS OF A MULTIDISCIPLINARY INVESTIGATIVE TEAM MAY SHARE WITH OTHER
14 TEAM MEMBERS CLIENT-IDENTIFIABLE INFORMATION CONCERNING THE VICTIM OR
15 THE VICTIM'S FAMILY TO FACILITATE THE INVESTIGATION OF SUSPECTED ELDER
16 ABUSE OR MALTREATMENT. NOTHING IN THIS SUBDIVISION SHALL PRECLUDE THE
17 CREATION OF MULTIDISCIPLINARY TEAMS WHICH INCLUDE MORE THAN ONE SOCIAL
18 SERVICES DISTRICT. EACH TEAM SHALL DEVELOP A WRITTEN PROTOCOL FOR INVES-
19 TIGATION OF ELDER ABUSE AND MALTREATMENT CASES AND FOR INTERVIEWING
20 ELDER ABUSE AND MALTREATMENT VICTIMS.

21 2. APPROVED PROJECTS SHALL SUBMIT A REPORT TO THE DIRECTOR OF THE
22 STATE OFFICE FOR THE AGING, WHO SHALL MAKE SUCH REPORTS AVAILABLE TO THE
23 MAJORITY LEADER OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE
24 CHAIRS OF THE AGING COMMITTEES OF THE SENATE AND ASSEMBLY, BY NOVEMBER
25 FIRST, TWO THOUSAND SIXTEEN, DOCUMENTING INITIAL FINDINGS OF THE MULTI-
26 DISCIPLINARY TEAM INVESTIGATIONS, INCLUDING, BUT NOT LIMITED TO:

27 (A) FINAL DISPOSITIONS OF CRIMINAL CASES THAT WERE INVESTIGATED AND
28 ASSISTED BY THE MULTIDISCIPLINARY TEAM, WITH APPROPRIATE CONFIDENTIALITY
29 MEASURES TAKEN TO PROTECT THE IDENTITIES OF VICTIMS AND THE ACCUSED;

30 (B) PHYSICAL AND MENTAL HEALTH OUTCOMES OF VICTIMS WHO WERE THE
31 SUBJECTS OF ELDER ABUSE AND MALTREATMENT CASES;

32 (C) FINANCIAL JUDGMENTS AND REPAYMENTS MADE AS A RESULT OF THE INVES-
33 TIGATION AND INTERVENTION OF THE MULTIDISCIPLINARY TEAM;

34 (D) NECESSARY MEASURES TAKEN TO ENSURE CROSS-COLLABORATION ACROSS
35 AGENCIES AND PROVIDERS; AND

36 (E) NECESSARY TRAINING THAT EACH SOCIAL SERVICES DISTRICT TOOK TO
37 TRAIN MEMBERS INCLUDING APPROPRIATE WAYS TO ASSESS RISK, IDENTIFY INDI-
38 CATORS OF ELDER ABUSE AND MALTREATMENT, AND CONDUCT APPROPRIATE INTER-
39 VIEWS.

40 S 2. This act shall take effect immediately.