STATE OF NEW YORK

4440--B

2017-2018 Regular Sessions

IN ASSEMBLY

February 2, 2017

Introduced by M. of A. TITUS, COOK, JAFFEE, HYNDMAN -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to the statewide central register for child abuse and maltreatment

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 3 of section 424-a of the social services law, as amended by section 3 of part Q of chapter 56 of the laws of 2017, is amended to read as follows:

3. For purposes of this [~~section~~] *title*, the term "provider" or "provider agency" shall mean: an authorized agency; the office of children and family services; juvenile detention facilities subject to the certification of the office of children and family services; programs established pursuant to article nineteen-H of the executive law; non-residential or residential programs or facilities licensed or operated by the office of mental health or the office for people with developmental disabilities except family care homes; licensed child day care centers, including head start programs which are funded pursuant to title V of the federal economic opportunity act of nineteen hundred sixty-four, as amended; early intervention service established pursuant to section twenty-five hundred forty of the public health law; preschool services established pursuant to section forty-four hundred ten of the education law; school-age child care programs; special act school districts as enumerated in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended; programs and facilities licensed by the office of alcoholism and substance abuse services; residential schools

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

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which are operated, supervised or approved by the education department; **child care and school-based programs for children ages three through five regulated by the health code of the city of New York, temporary employment agencies providing substitute child care staff to any other provider agency, and educational and training institutions assigning child care staff as interns or residents at any other provider agency;** publicly-funded emergency shelters for families with children, provided, however, for purposes of this section, when the provider or provider agency is a publicly-funded emergency shelter for families with children, then all references in this section to the "potential for regular and substantial contact with individuals who are cared for by the agency" shall mean the potential for regular and substantial contact with children who are served by such shelter; and any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to the employment of staff, or use of providers of goods and services and staff of such providers, consultants, interns and volunteers.

§ 2. Subdivision 4 of section 424-a of the social services law, as amended by section 14 of part L of chapter 56 of the laws of 2015, is amended to read as follows:

4. For purposes of this [~~section~~] **title**, the term "licensing agency" shall mean an authorized agency which has received an application to become an adoptive parent or an authorized agency which has received an application for a certificate or license to receive, board or keep any child pursuant to the provisions of section three hundred seventy-six or three hundred seventy-seven of this article or an authorized agency which has received an application from a relative within the second degree or third degree of consanguinity of the parent of a child or a relative within the second degree or third degree of consanguinity of the step-parent of a child or children, or the child's legal guardian for approval to receive, board or keep such child, or an authorized agency that conducts a clearance pursuant to paragraph (d) of subdivision two of section four hundred fifty-eight-b of this article, or a state or local governmental agency which receives an application to provide child day care services in a child day care center, school-age child care program, family day care home or group family day care home pursuant to the provisions of section three hundred ninety of this article, or the department of health and mental hygiene of the city of New York, when such department receives an application for a [~~certificate of approval to provide child day care services in a child day care center~~] **permit to provide child care services or receives a notice of a school based program for children ages three through five** pursuant to the provisions of the health code of the city of New York, or the office of mental health or the office for people with developmental disabilities when such office receives an application for an operating certificate pursuant to the provisions of the mental hygiene law to operate a family care home, or a state or local governmental official who receives an application for a permit to operate a camp which is subject to the provisions of article **thirteen-A or** thirteen-B of the public health law or the office of children and family services which has received an application for a certificate to receive, board or keep any child at a foster family home pursuant to articles nineteen-G and nineteen-H of the executive law or any other facility or provider agency, as defined in subdivision four of section four hundred eighty-eight of this chapter, in regard to any licensing or certification function carried out by such facility or agency.

§ 3. Section 390-b of the social services law is amended by adding a new subdivision 11 to read as follows:

11. For purposes of this section, and notwithstanding section three hundred ninety of this article, an operator or provider of a child day care center or a school age child care program shall include temporary child care employment agencies and child care educational and training institutions. A temporary child care employment agency or child care educational and training institution shall be subject to the criminal history record check requirements for child care staff who may be placed at a child day care center or a school age child care program, but not for the operators or providers of such temporary child care employment agency or child care educational and training institution. Such requirements shall include submitting fingerprint cards and such other information as required by the office of children and family services and the division of criminal justice services, and authorizing the office of children and family services to deny or hold in abeyance an employee's application as provided for in this section. The office of children and family services may charge the temporary child care employment agency or child care educational and training institution an amount equal to the processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law. Where the office of children and family services advises the temporary child care employment agency or child care educational and training institution that an individual has no criminal history record, no additional criminal history record check by a child day care center or a school age child care program shall be required upon placement of that individual at the child day care center or a school age child care program. For purposes of this subdivision, a "temporary child care employment agency" shall mean any entity that employs substitute child care staff to be supplied on a temporary basis to a child day care center or a school age child care program, and a "child care educational and training institution" shall mean any entity that assigns child care staff as interns or residents at a child day care center or a school age child care program.

§ 4. This act shall take effect immediately.