

STATE OF NEW YORK

8825

2017-2018 Regular Sessions

IN ASSEMBLY

December 22, 2017

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

AN ACT to amend the social services law, in relation to the mandatory
reporting of incidents of domestic violence

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

1 Section 1. The social services law is amended by adding a new section
2 459-i to read as follows:

3 § 459-i. Duty to report incidents of domestic violence. 1. In addition
4 to any person required to report certain wounds and burn injuries and
5 wounds in accordance with sections 265.25 and 265.26 of the penal law,
6 any person or official required to report cases of suspected child abuse
7 or maltreatment in accordance with section four hundred thirteen of the
8 social services law shall also be required to report or cause a report
9 to be made when he or she has reasonable cause to suspect that an indi-
10 vidual coming before him or her in his or her professional or official
11 capacity is a victim of domestic violence, as defined in section four
12 hundred fifty-nine-a of this article.

13 2. Such report required by subdivision one of this section shall be
14 made within 48 hours of discovery to the police authorities of the city,
15 town or village where the person reporting is located.

16 3. Whenever such person is required to report under this section in
17 his or her capacity as a member of the staff of a medical or other
18 public or private institution, school, facility or agency, he or she
19 shall make the report as required by this section and immediately notify
20 the person in charge of such institution, school, facility or agency, or
21 his or her designated agent. Such person in charge, or the designated
22 agent of such person, shall be responsible for all subsequent adminis-
23 tration necessitated by the report. Any report shall include the name,
24 title and contact information for every staff person of the institution
25 who is believed to have direct knowledge of the allegations in the

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

LBD13598-01-7

1 report. Nothing in this section is intended to require more than one
2 report from any such institution, school or agency.

3 4. A medical or other public or private institution, school, facility
4 or agency shall not take any retaliatory personnel action, as such term
5 is defined in paragraph (e) of subdivision one of section seven hundred
6 forty of the labor law, against an employee because such employee
7 believes that he or she has reasonable cause to suspect that an individ-
8 ual coming before him or her is a victim of domestic violence and that
9 employee therefore makes a report in accordance with this section. No
10 school, school official, child care provider, foster care provider,
11 residential care facility provider, hospital, medical institution
12 provider or mental health facility provider shall impose any conditions,
13 including prior approval or prior notification, upon a member of their
14 staff specifically required to report under this section. At the time of
15 the making of a report, or at any time thereafter, such person or offi-
16 cial may exercise the right to request the findings of an investigation
17 made pursuant to this section.

18 5. Any person, institution, school, facility, agency, organization,
19 partnership or corporation which employs persons mandated to report
20 suspected incidents of domestic violence pursuant to subdivision one of
21 this section shall provide all such current and new employees with writ-
22 ten information explaining the reporting requirements set out in subdivi-
23 vision one of this section. The employers shall be responsible for the
24 costs associated with printing and distributing the written information.

25 6. Any state or local governmental agency or authorized agency which
26 issues a license, certificate or permit to an individual to operate a
27 family day care home or group family day care home shall provide each
28 person currently holding or seeking such a license, certificate or
29 permit with written information explaining the reporting requirements
30 set out in subdivision one of this section.

31 7. Any person, official or institution required by this title to
32 report a case of suspected abuse or maltreatment of a senior who will-
33 fully fails to do so shall be guilty of a class A misdemeanor and shall
34 be civilly liable for the damages proximately caused by such failure.

35 § 2. This act shall take effect immediately; provided, however, that
36 effective immediately, the addition, amendment and/or repeal of any rule
37 or regulation necessary for the implementation of this act on its effec-
38 tive date is authorized and directed to be made and completed on or
39 before such effective date.