

STATE OF NEW YORK

9542--A

IN ASSEMBLY

January 22, 2018

Introduced by M. of A. JONES -- read once and referred to the Committee on Social Services -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring certain persons and officials to report cases of suspected domestic violence

The People of the State of New York, represented in Senate and Assembly, 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. Persons and officials required to report cases of suspected
4 domestic violence. 1. (a) Persons and officials in cities, towns and
5 villages (i) with a population less than one million; and (ii) located
6 in a county which has declared an agency other than a law-enforcement
7 agency as its primary domestic violence agency are required to report or
8 cause a report to be made in accordance with this article when they have
9 reasonable cause to suspect that an individual coming before them in
10 their professional or official capacity is the victim of domestic
11 violence. Such persons shall include, but are not limited to: any physi-
12 cian; registered physician assistant; surgeon; medical examiner; coron-
13 er; dentist; dental hygienist; osteopath; optometrist; chiropractor;
14 podiatrist; resident; intern; psychologist; registered nurse; nurse
15 practitioner; social worker; emergency medical technician; licensed
16 creative arts therapist; licensed marriage and family therapist;
17 licensed mental health counselor; licensed psychoanalyst; licensed
18 behavior analyst; certified behavior analyst assistant; hospital person-
19 nel engaged in the admission, examination, care or treatment of persons;
20 a Christian Science practitioner; school official, which includes but is
21 not limited to school teacher, school guidance counselor, school
22 psychologist, school social worker, school nurse, school administrator
23 or other school personnel required to hold a teaching or administrative
24 license or certificate; full or part-time compensated school employee
25 required to hold a temporary coaching license or professional coaching
26 certificate; social services worker; employee of a publicly-funded emer-

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

LBD13691-06-8

1 gency shelter for families with children; director of a children's over-
2 night camp, summer day camp or traveling summer day camp, as such camps
3 are defined in section thirteen hundred ninety-two of the public health
4 law; day care center worker; school-age child care worker; provider of
5 family or group family day care; employee or volunteer in a residential
6 care facility for children that is licensed, certified or operated by
7 the office of children and family services; or any other child care or
8 foster care worker; mental health professional; substance abuse counse-
9 lor; alcoholism counselor; all persons credentialed by the office of
10 alcoholism and substance abuse services; peace officer; police officer;
11 district attorney or assistant district attorney; investigator employed
12 in the office of a district attorney; or other law enforcement official.

13 (b) Whenever such person is required to report under this article in
14 his or her capacity as a member of the staff of a medical or other
15 public or private institution, school, facility or agency, he or she
16 shall make the report as required by this article and immediately notify
17 the person in charge of such institution, school, facility or agency, or
18 his or her designated agent. Such person in charge, or the designated
19 agent of such person, shall be responsible for all subsequent adminis-
20 tration necessitated by the report. Any report shall include the name,
21 title and contact information for every staff person of the institution
22 who is believed to have direct knowledge of the allegations in the
23 report. Nothing in this section or article is intended to require more
24 than one report from any such institution, school or agency.

25 (c) A medical or other public or private institution, school, facility
26 or agency shall not take any retaliatory personnel action, as such term
27 is defined in paragraph (e) of subdivision one of section seven hundred
28 forty of the labor law, against an employee because such employee
29 believes that he or she has reasonable cause to suspect that an individ-
30 ual is the victim of domestic violence and that employee therefore makes
31 a report in accordance with this article. No school, school official,
32 child care provider, foster care provider, residential care facility
33 provider, hospital, medical institution provider or mental health facil-
34 ity provider shall impose any conditions, including prior approval or
35 prior notification, upon a member of their staff specifically required
36 to report under this article.

37 (d) Social services workers are required to report or cause a report
38 to be made in accordance with this article when they have reasonable
39 cause to suspect that an individual is the victim of domestic violence
40 where a person comes before them in their professional or official
41 capacity and states from personal knowledge facts, conditions or circum-
42 stances which, if correct, would render the individual a victim of
43 domestic violence.

44 2. Any person, institution, school, facility, agency, organization,
45 partnership or corporation which employs persons mandated to report
46 suspected incidents of domestic violence pursuant to subdivision one of
47 this section shall provide all such current and new employees with writ-
48 ten information explaining the reporting requirements set out in such
49 subdivision. Such written information shall be prepared by the advisory
50 council of the office for the prevention of domestic violence, and shall
51 be made available on the office for the prevention of domestic violence
52 website. The employers shall be responsible for the costs associated
53 with printing and distributing the written information.

54 3. The office for the prevention of domestic violence shall create a
55 form for the reporting of suspected domestic violence cases required by
56 subdivision one of this section. Such form shall be provided by a person

1 required to report suspected domestic violence cases to the suspected
2 victim of domestic violence, and shall be made available on the office
3 for the prevention of domestic violence website. Such form shall
4 include, but not be limited to, a description of the circumstances lead-
5 ing to the suspected case of domestic violence, the alleged perpetrator
6 of domestic violence, the date of the suspected incident and the option
7 for the victim to request a police report of such incident be filed.
8 Such form shall be submitted by the person required to report suspected
9 domestic violence cases to the county primary domestic violence agency.
10 Such primary domestic violence agency shall keep all such forms on file.

11 § 2. This act shall take effect on the thirtieth day after it shall
12 have become a law.