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:

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

§ 459-i. Persons and officials required to report cases of suspected domestic violence. 1. (a) Persons and officials in cities, towns and villages (i) with a population less than one million; and (ii) located in a county which has declared an agency other than a law-enforcement agency as its primary domestic violence agency are required to report or cause a report to be made in accordance with this article when they have reasonable cause to suspect that an individual coming before them in their professional or official capacity is the victim of domestic violence. Such persons shall include, but are not limited to: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; nurse practitioner; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching 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.

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

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

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

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

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

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

required to report suspected domestic violence cases to the suspected victim of domestic violence, and shall be made available on the office for the prevention of domestic violence website. Such form shall include, but not be limited to, a description of the circumstances leading to the suspected case of domestic violence, the alleged perpetrator of domestic violence, the date of the suspected incident and the option for the victim to request a police report of such incident be filed. Such form shall be submitted by the person required to report suspected domestic violence cases to the county primary domestic violence agency. Such primary domestic violence agency shall keep all such forms on file.

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