

# STATE OF NEW YORK

680

2017-2018 Regular Sessions

## IN SENATE

January 4, 2017

Introduced by Sens. ORTT, FUNKE, MARCHIONE -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the social services law and the family court act, in relation to the definition of "abused child"

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

1 Section 1. Subdivision 4-b of section 371 of the social services law,  
2 as added by chapter 782 of the laws of 1971, the opening paragraph as  
3 amended by chapter 518 of the laws of 1977, is amended to read as  
4 follows:

5 4-b. "Abused child" means a child less than eighteen years of age  
6 whose parent or other person legally responsible for his care

7 (i) inflicts or allows to be inflicted upon such child physical injury  
8 by other than accidental means which causes or creates a substantial  
9 risk of death, or serious or protracted disfigurement, or protracted  
10 impairment of physical or emotional health or protracted loss or impair-  
11 ment of the function of any bodily organ, or the impairment of physical  
12 condition or substantial pain, or

13 (ii) creates or allows to be created a substantial risk of physical  
14 injury to such child by other than accidental means which would be like-  
15 ly to cause death or serious or protracted disfigurement, or protracted  
16 impairment of physical or emotional health or protracted loss or impair-  
17 ment of the function of any bodily organ, or the impairment of physical  
18 condition or substantial pain, or

19 (iii) commits, or allows to be committed, an act of sexual abuse  
20 against such child as defined in the penal law[-], or

21 (iv) allows, permits or encourages such child to engage in any act  
22 described in sections 230.25, 230.30 and 230.32 of the penal law, or

23 (v) commits any of the acts described in sections 255.25, 255.26 and  
24 255.27 of the penal law, or

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

LBD04514-01-7

1 (vi) allows such child to engage in acts or conduct described in arti-  
2 cle two hundred sixty-three of the penal law provided, however, that (a)  
3 the corroboration requirements contained in the penal law and (b) the  
4 age requirement for the application of article two hundred sixty-three  
5 of such law shall not apply to proceedings under this article.

6 § 2. Subdivision e of section 1012 of the family court act, as amended  
7 by chapter 7 of the laws of 1999 and paragraph (iii) as amended by chap-  
8 ter 320 of the laws of 2006, is amended to read as follows:

9 (e) "Abused child" means a child less than eighteen years of age whose  
10 parent or other person legally responsible for his care

11 (i) inflicts or allows to be inflicted upon such child physical injury  
12 by other than accidental means which causes or creates a substantial  
13 risk of death, or serious or protracted disfigurement, or protracted  
14 impairment of physical or emotional health or protracted loss or impair-  
15 ment of the function of any bodily organ, or the impairment of physical  
16 condition or substantial pain, or

17 (ii) creates or allows to be created a substantial risk of physical  
18 injury to such child by other than accidental means which would be like-  
19 ly to cause death or serious or protracted disfigurement, or protracted  
20 impairment of physical or emotional health or protracted loss or impair-  
21 ment of the function of any bodily organ, or the impairment of physical  
22 condition or substantial pain, or

23 (iii) commits, or allows to be committed an offense against such child  
24 defined in article one hundred thirty of the penal law[+], or

25 (iv) allows, permits or encourages such child to engage in any act  
26 described in sections 230.25, 230.30 and 230.32 of the penal law[+], or

27 (v) commits any of the acts described in sections 255.25, 255.26 and  
28 255.27 of the penal law[+], or

29 (vi) allows such child to engage in acts or conduct described in arti-  
30 cle two hundred sixty-three of the penal law provided, however, that (a)  
31 the corroboration requirements contained in the penal law and (b) the  
32 age requirement for the application of article two hundred sixty-three  
33 of such law shall not apply to proceedings under this article.

34 § 3. This act shall take effect immediately.