

# STATE OF NEW YORK

7155--A

## IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sens. LITTLE, FUNKE -- read twice and ordered printed, and when printed to be committed 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

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

LBD13691-07-8

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

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

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

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

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

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

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