

# STATE OF NEW YORK

8561

2017-2018 Regular Sessions

## IN ASSEMBLY

July 10, 2017

Introduced by M. of A. MALLIOTAKIS -- read once and referred to the  
Committee on Social Services

AN ACT to amend the social services law, in relation to requiring child  
protective services to document home visits with photographs

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

1 Section 1. This act shall be known and may be cited as "Marchella  
2 Pierce's Law".

3 § 2. Subdivision 3 of section 421 of the social services law, as  
4 amended by chapter 718 of the laws of 1986, paragraph (a) as amended by  
5 chapter 110 of the laws of 1989 and the closing paragraph as amended by  
6 chapter 320 of the laws of 1990, is amended to read as follows:

7 3. promulgate regulations setting forth requirements for the perform-  
8 ance by local social services departments of the duties and powers  
9 imposed and conferred upon them by the provisions of this title and of  
10 article ten of the family court act. Such regulations shall establish  
11 uniform requirements for the investigation of reports of child abuse or  
12 maltreatment under this title. The department shall also issue guide-  
13 lines which shall set forth the circumstances or conditions under which:

14 (a) personal contact shall be made with the child named in the report  
15 and any other children in the same household, including interviewing  
16 such child or children absent the subject of the report whenever possi-  
17 ble and appropriate;

18 (b) photographs of visible physical injuries or trauma of children who  
19 may be the victims of abuse or maltreatment shall be taken or arranged  
20 for;

21 (c) medical examination of a child who may be a victim of abuse or  
22 maltreatment and documentation of findings of such examination, shall be  
23 required.

24 The department shall promulgate regulations to establish standards for  
25 intervention, criteria for case closings, criteria for determining

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

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1 whether or not to initiate a child protective proceeding, and criteria  
2 for the formulation of treatment plans and for the delivery of child  
3 protective services including specification of the services to be clas-  
4 sified as child protective services, which shall also apply to any soci-  
5 ety for the prevention of cruelty to children which has entered into a  
6 currently valid contract with a local department of social services to  
7 investigate child abuse or maltreatment reports. The department shall  
8 promulgate regulations establishing minimum standards and practices for  
9 the delivery of child protective services in connection with monitoring  
10 and supervising respondents and their families as ordered by a family  
11 court pursuant to section ten hundred thirty-nine and paragraphs (i),  
12 (iii), (iv) and (v) of subdivision (a) of section ten hundred fifty-two  
13 of the family court act. The department shall require that every case-  
14 worker, child protective services employee or any person acting pursuant  
15 to a contract for services with a local social services department who  
16 has contact with a child as part of a treatment plan or supervision and  
17 monitoring, document each such contact with a photograph taken of the  
18 child during such visit or contact using a tablet or comparable device.  
19 Such photograph shall be part of the confidential case record for such  
20 child and shall be subject to periodic review by the supervisor of the  
21 case. Such photograph must be of sufficient quality to clearly identify  
22 the child, and contain accurate data with regard to the time and date of  
23 the photograph. The supervising authority may require, to the extent  
24 practicable, that the caseworker utilize technology allowing for the  
25 geographic documentation of said visit. Such regulations required under  
26 this subdivision shall also require local child protective services to  
27 comply with notification requirements of the family court act in  
28 connection with such monitoring and supervisory responsibilities.

29 § 3. Section 372 of the social services law is amended by adding a new  
30 subdivision 4-c to read as follows:

31 4-c. The records maintained pursuant to this section by any casework-  
32 er, child protective services employee or authorized agency as defined  
33 in section three hundred seventy-one of this title who has contact with  
34 a foster child as part of a treatment plan or supervision and monitor-  
35 ing, shall document each such contact with a photograph taken of the  
36 child during such visit or contact consistent with the requirements set  
37 forth in subdivision three of section four hundred twenty-one of this  
38 article.

39 § 4. This act shall take effect immediately.