

STATE OF NEW YORK

2427

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sens. PARKER, AVELLA, DILAN, PERKINS -- 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, in relation to expanding the persons responsible for reporting cases of suspected child abuse to include employees, volunteers, or agents of any corporate entity having an agreement with a municipality as a homeless shelter provider and the development of procedures related thereto

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

1 Section 1. Paragraph (a) of subdivision 1 of section 413 of the social
2 services law, as separately amended by chapters 126 and 205 of the laws
3 of 2014, is amended to read as follows:

4 (a) The following persons and officials are required to report or
5 cause a report to be made in accordance with this title when they have
6 reasonable cause to suspect that a child coming before them in their
7 professional or official capacity is an abused or maltreated child, or
8 when they have reasonable cause to suspect that a child is an abused or
9 maltreated child where the parent, guardian, custodian or other person
10 legally responsible for such child comes before them in their profes-
11 sional or official capacity and states from personal knowledge facts,
12 conditions or circumstances which, if correct, would render the child an
13 abused or maltreated child: any physician; registered physician assist-
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
15 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
16 psychologist; registered nurse; social worker; emergency medical techni-
17 cian; licensed creative arts therapist; licensed marriage and family
18 therapist; licensed mental health counselor; licensed psychoanalyst;
19 licensed behavior analyst; certified behavior analyst assistant; hospi-
20 tal personnel engaged in the admission, examination, care or treatment
21 of persons; a Christian Science practitioner; school official, which

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

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1 includes but is not limited to school teacher, school guidance counse-
2 lor, school psychologist, school social worker, school nurse, school
3 administrator or other school personnel required to hold a teaching or
4 administrative license or certificate; full or part-time compensated
5 school employee required to hold a temporary coaching license or profes-
6 sional coaching certificate; social services worker; director of a chil-
7 dren's overnight camp, summer day camp or traveling summer day camp, as
8 such camps are defined in section thirteen hundred ninety-two of the
9 public health law; day care center worker; school-age child care worker;
10 provider of family or group family day care; employee or volunteer in a
11 residential care facility for children that is licensed, certified or
12 operated by the office of children and family services; or any other
13 child care or foster care worker; mental health professional; substance
14 abuse counselor; alcoholism counselor; all persons credentialed by the
15 office of alcoholism and substance abuse services; peace officer; police
16 officer; district attorney or assistant district attorney; investigator
17 employed in the office of a district attorney; or other law enforcement
18 official; or employees, volunteers, or agents of any corporate entity
19 having an agreement with a municipality as a homeless shelter provider.

20 § 2. Subdivision 5-a of section 488 of the social services law, as
21 amended by chapter 205 of the laws of 2014, is amended to read as
22 follows:

23 5-a. "Human services professional" shall mean any: physician; regis-
24 tered physician assistant; surgeon; medical examiner; coroner; dentist;
25 dental hygienist; osteopath; optometrist; chiropractor; podiatrist;
26 resident; intern; psychologist; registered nurse; licensed practical
27 nurse; nurse practitioner; social worker; emergency medical technician;
28 licensed creative arts therapist; licensed marriage and family thera-
29 pist; licensed mental health counselor; licensed psychoanalyst; licensed
30 behavior analyst; certified behavior analyst assistant; licensed
31 speech/language pathologist or audiologist; licensed physical therapist;
32 licensed occupational therapist; hospital personnel engaged in the
33 admission, examination, care or treatment of persons; Christian Science
34 practitioner; school official, which includes but is not limited to
35 school teacher, school guidance counselor, school psychologist, school
36 social worker, school nurse, school administrator or other school
37 personnel required to hold a teaching or administrative license or
38 certificate; full or part-time compensated school employee required to
39 hold a temporary coaching license or professional coaching certificate;
40 social services worker; any other child care or foster care worker;
41 mental health professional; person credentialed by the office of alco-
42 holism and substance abuse services; peace officer; police officer;
43 district attorney or assistant district attorney; investigator employed
44 in the office of a district attorney; or other law enforcement official;
45 employees, volunteers and agents of any corporate agent having an agree-
46 ment with a municipality as a homeless shelter provider.

47 § 3. Section 413 of the social services law is amended by adding a new
48 subdivision 5 to read as follows:

49 5. Any person, institution or corporate agent having an agreement with
50 a municipality as a homeless shelter provider which employs persons who
51 are mandated to report suspected incidents of child abuse or maltreat-
52 ment pursuant to subdivision one of this section shall develop, maintain
53 and disseminate written policies and procedures pursuant to title six of
54 article six of the social services law and applicable provisions of
55 article ten of the family court act, regarding the mandatory reporting
56 of child abuse or neglect, reporting procedures and obligations of

1 persons required to report, provisions for taking a child into protec-
2 tive custody, mandatory reporting of deaths, immunity from liability,
3 penalties for failure to report, and obligations for the provision of
4 services and procedures necessary to safeguard the life or health of the
5 child; and establish, and implement on an ongoing basis, a training
6 program for all current and new employees regarding the policies and
7 procedures established pursuant to this subdivision.

8 § 4. This act shall take effect immediately.