

STATE OF NEW YORK

3742

2017-2018 Regular Sessions

IN SENATE

January 26, 2017

Introduced by Sens. MONTGOMERY, COMRIE -- 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 requiring persons and officials required to report suspected child abuse or maltreatment to complete certain ongoing training; to amend the education law, in relation to requiring school superintendents, teachers and certain other licensed professionals to complete training in the reporting of suspected cases of child abuse and maltreatment; and to amend the executive law and the public health law, in relation to child abuse prevention

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

Section 1. Section 413 of the social services law is amended by adding a new subdivision 1-a to read as follows:

1-a. (a) Every person and official required to report child abuse or maltreatment, pursuant to subdivision one of this section, shall, prior to assumption of the position which requires such reporting, complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment; provided that every person and official holding such a position on or before the effective date of this paragraph shall complete such coursework or training within one year of the effective date of this subdivision.

(b) Every district attorney, assistant district attorney, police officer, peace officer, investigator employed in the office of the district attorney, pediatrician, physician who is employed in an emergency room, registered nurse and registered physician assistant who is employed by a pediatrician or in an emergency room, teacher, child care worker, foster care worker, medical examiner, coroner, preventive services worker, child protective services worker, social worker whose employment involves regular interaction with children, substance abuse and alcohol-

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

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ism counselor whose employment involves regular interaction with children, and mental health professional whose employment involves regular interaction with children required to report child abuse or maltreatment, pursuant to subdivision one of this section, shall, not less than once every two years, complete two and one-half hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. Such continuing coursework or training shall, to the greatest extent possible, include advanced training which builds on the initial or earlier coursework required in this subdivision.

(c) Except as otherwise provided by the education law, the office of children and family services shall approve and/or establish the coursework and training required to implement the provisions of this subdivision. Such coursework and training may be developed so that it can be offered through various means including, but not limited to, internet based courses and teleconferences.

§ 2. Subdivision 4 of section 3003 of the education law, as amended by chapter 737 of the laws of 1992, is amended to read as follows:

4. Notwithstanding any other provision of law, the commissioner shall require that any person applying[~~, on or after January first, nineteen hundred ninety-one,~~] for a superintendent's certificate shall, in addition to all the other requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment, and shall thereafter complete two and one-half additional hours of such coursework or training at least once every period of two years. Such coursework or training shall be provided pursuant to section sixty-five hundred two-a of this chapter as if the superintendent was an applicant for or holder of a license to practice a profession pursuant to title eight of this chapter. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 3. Section 3209-a of the education law, as added by chapter 504 of the laws of 1988, is amended to read as follows:

§ 3209-a. Child abuse prevention. Each school district of the state shall: (1) develop, maintain and disseminate written policies and procedures pursuant to title six of article six of the social services law and applicable provisions of article ten of the family court act, regarding the mandatory reporting of child abuse or neglect, reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failure to report and obligations for the provision of services and procedures necessary to safeguard the life or health of the child; and (2) establish, and implement on an ongoing basis, a training program for all current and new school officials regarding the policies and procedures established pursuant to this section and the signs and symptoms that school officials may be likely to encounter which may indicate the presence of child abuse or maltreatment.

§ 4. Subdivision 2 of section 3004 of the education law, as amended by chapter 737 of the laws of 1992, is amended to read as follows:

2. Notwithstanding any other provision of law, the commissioner shall prescribe regulations requiring that all persons applying[~~, on or after January first, nineteen hundred ninety-one,~~] for a certificate or license to be a teacher shall, in addition to all the other certification or licensure requirements, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment, and shall thereafter complete two and one-half additional hours of such coursework or training at least once every period of two years. Such coursework or training shall be provided pursuant to section sixty-five hundred two-a of this chapter as if the teacher was an applicant for or holder of a license to practice a profession pursuant to title eight of this chapter. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 5. The closing paragraph of section 3007 of the education law, as amended by chapter 544 of the laws of 1988, is amended to read as follows:

Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of the diploma of a state teachers college or state college for teachers or state certificate issued in this state. Notwithstanding any other provision of law, the commissioner shall require that any person seeking endorsement of a foreign certificate or diploma[~~, on or after January first, nineteen hundred ninety-one,~~] shall have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment, and shall thereafter complete two and one-half additional hours of such coursework or training at least once every period of two years. Such coursework or training shall be provided pursuant to section sixty-five hundred two-a of this chapter as if the teacher was an applicant for or holder of a license to practice a profession pursuant to title eight of this chapter. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such [~~course-work~~] coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

§ 6. Subdivision 1 of section 6501 of the education law, as amended by chapter 299 of the laws of 2016, is amended to read as follows:

1 1. Admission to practice of a profession in this state is accomplished
2 by a license being issued to a qualified applicant by the education
3 department. To qualify for a license an applicant shall meet the
4 requirements prescribed in the article for the particular profession and
5 shall meet the requirements prescribed in section 3-503 of the general
6 obligations law and, where applicable, the requirements of section
7 sixty-five hundred two-a of this subarticle.

8 § 7. Subdivision 1 of section 6502 of the education law, as amended by
9 chapter 599 of the laws of 1996, is amended to read as follows:

10 1. A license shall be valid during the life of the holder unless
11 revoked, annulled or suspended by the board of regents or in the case of
12 physicians, physicians practicing under a limited permit, physician's
13 assistants, specialist's assistants and medical residents, the licensee
14 is stricken from the roster of such licensees by the board of regents on
15 the order of the state board for professional medical conduct in the
16 department of health. A licensee must register with the department and
17 meet the requirements prescribed in section 3-503 of the general obli-
18 gations law and, where applicable, the requirements of section sixty-
19 five hundred two-a of this subarticle to practice in this state.

20 § 8. The education law is amended by adding a new section 6502-a to
21 read as follows:

22 § 6502-a. Mandated reporting of suspected child abuse or maltreatment
23 training. 1. Each applicant for a license to practice a profession
24 pursuant to this title, the practice of which requires the licensee to
25 report suspected cases of child abuse and maltreatment pursuant to
26 section four hundred thirteen of the social services law, shall, prior
27 to being licensed to practice such profession, complete two hours of
28 coursework or training regarding the identification and reporting of
29 child abuse and maltreatment. Every person licensed to practice a
30 profession pursuant to this title prior to the effective date of this
31 section, the practice of which requires the licensee to report suspected
32 cases of child abuse and maltreatment pursuant to section four hundred
33 thirteen of the social services law, shall complete such coursework or
34 training within one year of the effective date of this section.

35 2. Each person required to complete coursework or training pursuant to
36 subdivision one of this section, who is employed or serves in a position
37 listed in paragraph (b) of subdivision one-a of section four hundred
38 thirteen of the social services law, shall thereafter complete an addi-
39 tional two and one-half hours of coursework or training regarding the
40 identification and reporting of child abuse and maltreatment at least
41 once every period of two years. Such continuing coursework or training
42 shall, to the greatest extent possible, include advanced training which
43 builds on the initial or earlier coursework required in this subdivi-
44 sion.

45 3. The department may develop a training curriculum regarding the
46 identification and reporting of child abuse and maltreatment which shall
47 be used to provide the coursework and training required by this section,
48 provided, however, that if the department shall fail to develop such a
49 training curriculum, then the required curriculum for the coursework and
50 training required by this section shall be the training curriculum
51 relating thereto developed by the office of children and family
52 services. Every training curriculum developed by the department pursuant
53 to this subdivision shall be subject to the approval of the office of
54 children and family services. The department shall require every insti-
55 tution and provider of coursework or training pursuant to this section
56 to utilize an approved curriculum. Such coursework and training may be

1 developed so that it can be offered through various means including, but
2 not limited to, internet based courses and teleconferences.

3 § 9. Paragraph a of subdivision 3 of section 6507 of the education
4 law, as amended by chapter 554 of the laws of 2013, is amended to read
5 as follows:

6 a. Establish standards for preprofessional and professional education,
7 experience and licensing examinations as required to implement the arti-
8 cle for each profession. Notwithstanding any other provision of law, the
9 commissioner shall establish standards requiring that all persons apply-
10 ing~~[, on or after January first, nineteen hundred ninety one,]~~ initial-
11 ly, or for the renewal of, a license, registration or limited permit to
12 be a physician, chiropractor, dentist, registered nurse, podiatrist,
13 optometrist, psychiatrist, psychologist, licensed master social worker,
14 licensed clinical social worker, licensed creative arts therapist,
15 licensed marriage and family therapist, licensed mental health counse-
16 lor, licensed psychoanalyst, dental hygienist, licensed behavior
17 analyst, ~~[or]~~ certified behavior analyst assistant or any other profes-
18 sion which is required to report cases of suspected child abuse and
19 maltreatment, pursuant to section four hundred thirteen of the social
20 services law, shall, in addition to all the other licensure, certifi-
21 cation or permit requirements, have completed two hours of coursework
22 or training regarding the identification and reporting of child abuse
23 and maltreatment and if they are listed in paragraph (b) of subdivision
24 one-a of section four hundred thirteen of the social services law, shall
25 thereafter complete two and one-half additional hours of such coursework
26 or training at least once every period of two years in accordance with
27 the provisions of section sixty-five hundred two-a of this article. The
28 coursework or training shall be obtained from an institution or provider
29 which has been approved by the department to provide such coursework or
30 training. The coursework or training shall include information regarding
31 the physical and behavioral indicators of child abuse and maltreatment
32 and the statutory reporting requirements set out in sections four
33 hundred thirteen through four hundred twenty of the social services law,
34 including but not limited to, when and how a report must be made, what
35 other actions the reporter is mandated or authorized to take, the legal
36 protections afforded reporters, and the consequences for failing to
37 report. Such coursework or training may also include information regard-
38 ing the physical and behavioral indicators of the abuse of individuals
39 with ~~[mental retardation and other]~~ developmental disabilities and
40 voluntary reporting of abused or neglected adults to the office ~~[of~~
41 ~~mental retardation and]~~ for people with developmental disabilities or
42 the local adult protective services unit. Each applicant shall provide
43 the department with documentation showing that he or she has completed
44 the required training. The department shall provide an exemption from
45 the child abuse and maltreatment training requirements to any applicant
46 who requests such an exemption and who shows, to the department's satis-
47 faction, that there would be no need because of the nature of his or her
48 practice for him or her to complete such training;

49 § 10. Section 214-a of the executive law, as added by chapter 504 of
50 the laws of 1988, is amended to read as follows:

51 § 214-a. Child abuse prevention. The superintendent shall, for all
52 members of the state police: (1) develop, maintain and disseminate writ-
53 ten policies and procedures pursuant to title six of article six of the
54 social services law and applicable provisions of article ten of the
55 family court act, regarding the mandatory reporting of child abuse or
56 neglect, reporting procedures and obligations of persons required to

1 report, provisions for taking a child into protective custody, mandatory
2 reporting of deaths, immunity from liability, penalties for failure to
3 report and obligations for the provision of services and procedures
4 necessary to safeguard the life or health of the child; ~~and~~ (2) estab-
5 lish, and implement on an ongoing basis, a training program for all
6 current and new employees regarding the policies and procedures estab-
7 lished pursuant to this section; and (3) establish, and implement on an
8 ongoing basis, a training program for all current and new employees who
9 are likely to come into contact with children in the course of their
10 professional duties, regarding the identification and investigation of
11 child abuse and maltreatment and any protocols that exist regarding
12 investigating suspected incidents of child abuse and maltreatment joint-
13 ly with local departments of social services.

14 § 11. Paragraph (j) of subdivision 1 of section 840 of the executive
15 law, as amended by chapter 617 of the laws of 1990, is amended to read
16 as follows:

17 (j) (1) Development, maintenance and dissemination of written policies
18 and procedures pursuant to title six of article six of the social
19 services law and applicable provisions of article ten of the family
20 court act, regarding the mandatory reporting of child abuse or neglect,
21 reporting procedures and obligations of persons required to report,
22 provisions for taking a child into protective custody, mandatory report-
23 ing of deaths, immunity from liability, penalties for failure to report
24 and obligations for the provision of services and procedures necessary
25 to safeguard the life or health of the child; (2) establishment and
26 implementation on an ongoing basis, of a training program for all
27 current and new police officers regarding the policies and procedures
28 established pursuant to this paragraph and the identification and inves-
29 tigation of child abuse and maltreatment and any protocols that exist
30 regarding investigating suspected incidents of child abuse and maltreat-
31 ment jointly with local departments of social services; and (3) estab-
32 lishment of a training program for police officers whose main responsi-
33 bilities are juveniles and the laws pertaining thereto, which training
34 program shall be successfully completed before such officers are accred-
35 ited pursuant to section eight hundred forty-six-h of this chapter.

36 § 12. Section 2805-n of the public health law, as added by chapter 504
37 of the laws of 1988, is amended to read as follows:

38 § 2805-n. Child abuse prevention. All hospitals shall: (i) develop,
39 maintain and disseminate written policies and procedures pursuant to
40 title six of article six of the social services law and applicable
41 provisions of article ten of the family court act, regarding the manda-
42 tory reporting of child abuse or neglect, reporting procedures and obli-
43 gations of persons required to report, provisions for taking a child
44 into protective custody, mandatory reporting of deaths, immunity from
45 liability, penalties for failure to report and obligations for the
46 provision of services and procedures necessary to safeguard the life or
47 health of the child; ~~and~~ (ii) establish, and implement on an ongoing
48 basis, a training program for all current and new employees regarding
49 the policies and procedures established pursuant to this section; and
50 (iii) establish and implement, on an ongoing basis, a training program
51 for all current and new employees who regularly assess injuries in chil-
52 dren regarding the identification of child abuse and maltreatment.

53 § 13. This act shall take effect on the one hundred twentieth day
54 after it shall have become a law, provided that the promulgation, amend-
55 ment and/or repeal of any rule or regulation necessary to implement the
56 provisions of this act on its effective date is authorized and directed

1 to be completed on or before such date provided, further, that if chap-
2 ter 299 of the laws of 2016 shall not have taken effect on or before
3 such date then section six of this act shall take effect on the same
4 date and in the same manner as such chapter of the laws of 2016 takes
5 effect.