

STATE OF NEW YORK

7897

IN SENATE

March 7, 2018

Introduced by Sen. GOLDEN -- 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 the statewide central register for child abuse and maltreatment

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

1 Section 1. Subdivision 3 of section 424-a of the social services law,
2 as amended by section 3 of part Q of chapter 56 of the laws of 2017, is
3 amended to read as follows:

4 3. For purposes of this ~~[section]~~ title, the term "provider" or
5 "provider agency" shall mean: an authorized agency; the office of chil-
6 dren and family services; juvenile detention facilities subject to the
7 certification of the office of children and family services; programs
8 established pursuant to article nineteen-H of the executive law; non-re-
9 sidential or residential programs or facilities licensed or operated by
10 the office of mental health or the office for people with developmental
11 disabilities except family care homes; licensed child day care centers,
12 including head start programs which are funded pursuant to title V of
13 the federal economic opportunity act of nineteen hundred sixty-four, as
14 amended; early intervention service established pursuant to section
15 twenty-five hundred forty of the public health law; preschool services
16 established pursuant to section forty-four hundred ten of the education
17 law; school-age child care programs; special act school districts as
18 enumerated in chapter five hundred sixty-six of the laws of nineteen
19 hundred sixty-seven, as amended; programs and facilities licensed by the
20 office of alcoholism and substance abuse services; residential schools
21 which are operated, supervised or approved by the education department;
22 child care and school-based programs for children ages three through
23 five regulated by the health code of the city of New York, temporary
24 employment agencies providing substitute child care staff to any other
25 provider agency, and educational and training institutions assigning
26 child care staff as interns or residents at any other provider agency;
27 publicly-funded emergency shelters for families with children, provided,
28 however, for purposes of this section, when the provider or provider

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

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1 agency is a publicly-funded emergency shelter for families with chil-
2 dren, then all references in this section to the "potential for regular
3 and substantial contact with individuals who are cared for by the agen-
4 cy" shall mean the potential for regular and substantial contact with
5 children who are served by such shelter; and any other facility or
6 provider agency, as defined in subdivision four of section four hundred
7 eighty-eight of this chapter, in regard to the employment of staff, or
8 use of providers of goods and services and staff of such providers,
9 consultants, interns and volunteers.

10 § 2. Subdivision 4 of section 424-a of the social services law, as
11 amended by section 14 of part L of chapter 56 of the laws of 2015, is
12 amended to read as follows:

13 4. For purposes of this ~~[section]~~ title, the term "licensing agency"
14 shall mean an authorized agency which has received an application to
15 become an adoptive parent or an authorized agency which has received an
16 application for a certificate or license to receive, board or keep any
17 child pursuant to the provisions of section three hundred seventy-six or
18 three hundred seventy-seven of this article or an authorized agency
19 which has received an application from a relative within the second
20 degree or third degree of consanguinity of the parent of a child or a
21 relative within the second degree or third degree of consanguinity of
22 the step-parent of a child or children, or the child's legal guardian
23 for approval to receive, board or keep such child, or an authorized
24 agency that conducts a clearance pursuant to paragraph (d) of subdivi-
25 sion two of section four hundred fifty-eight-b of this article, or a
26 state or local governmental agency which receives an application to
27 provide child day care services in a child day care center, school-age
28 child care program, family day care home or group family day care home
29 pursuant to the provisions of section three hundred ninety of this arti-
30 cle, or the department of health and mental hygiene of the city of New
31 York, when such department receives an application for a ~~[certificate of~~
32 ~~approval to provide child day care services in a child day care center]~~
33 permit to provide child care services or receives a notice of a school
34 based program for children ages three through five pursuant to the
35 provisions of the health code of the city of New York, or the office of
36 mental health or the office for people with developmental disabilities
37 when such office receives an application for an operating certificate
38 pursuant to the provisions of the mental hygiene law to operate a family
39 care home, or a state or local governmental official who receives an
40 application for a permit to operate a camp which is subject to the
41 provisions of article thirteen-A or thirteen-B of the public health law
42 or the office of children and family services which has received an
43 application for a certificate to receive, board or keep any child at a
44 foster family home pursuant to articles nineteen-G and nineteen-H of the
45 executive law or any other facility or provider agency, as defined in
46 subdivision four of section four hundred eighty-eight of this chapter,
47 in regard to any licensing or certification function carried out by such
48 facility or agency.

49 § 3. Section 390-b of the social services law is amended by adding a
50 new subdivision 11 to read as follows:

51 11. For purposes of this section, and notwithstanding section three
52 hundred ninety of this article, an operator or provider of a child day
53 care center or a school age child care program shall include temporary
54 child care employment agencies and child care educational and training
55 institutions. A temporary child care employment agency or child care
56 educational and training institution shall be subject to the criminal

history record check requirements for child care staff who may be placed at a child day care center or a school age child care program, but not for the operators or providers of such temporary child care employment agency or child care educational and training institution. Such requirements shall include submitting fingerprint cards and such other information as required by the office of children and family services and the division of criminal justice services, and authorizing the office of children and family services to deny or hold in abeyance an employee's application as provided for in this section. The office of children and family services may charge the temporary child care employment agency or child care educational and training institution an amount equal to the processing fee imposed pursuant to subdivision eight-a of section eight hundred thirty-seven of the executive law. Where the office of children and family services advises the temporary child care employment agency or child care educational and training institution that an individual has no criminal history record, no additional criminal history record check by a child day care center or a school age child care program shall be required upon placement of that individual at the child day care center or a school age child care program. For purposes of this subdivision, a "temporary child care employment agency" shall mean any entity that employs substitute child care staff to be supplied on a temporary basis to a child day care center or a school age child care program, and a "child care educational and training institution" shall mean any entity that assigns child care staff as interns or residents at a child day care center or a school age child care program.

§ 4. This act shall take effect immediately.