STATE OF NEW YORK

5573

2019-2020 Regular Sessions

IN SENATE

May 7, 2019

Introduced by Sen. MONTGOMERY -- 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 standard of proof for unfounded and indicated reports of abuse or maltreatment

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

Section 1. Subdivisions 6 and 7 of section 412 of the social services law, as added by chapter 1039 of the laws of 1973 and as renumbered by chapter 323 of the laws of 2008, are amended to read as follows:

6. An "unfounded report" means any report made pursuant to this title unless an investigation determines that [~~some credible evidence~~] **a fair preponderance of evidence** of the alleged abuse or maltreatment exists;

7. An "indicated report" means a report made pursuant to this title if an investigation determines that [~~some credible evidence~~] **a fair preponderance of evidence** of the alleged abuse or maltreatment exists.

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

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

LBD11537-01-9