

STATE OF NEW YORK

5711--B

2019-2020 Regular Sessions

IN SENATE

May 13, 2019

Introduced by Sen. HOYLMAN -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to establishing the "child abuse reporting expansion act"

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

1 Section 1. This act shall be known and may be cited as the "child
2 abuse reporting expansion act".
3 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
4 services law, as amended by section 7 of part C of chapter 57 of the
5 laws of 2018, is amended to read as follows:
6 (a) The following persons and officials are required to report or
7 cause a report to be made in accordance with this title when they have
8 reasonable cause to suspect that a child coming before them in their
9 professional or official capacity is an abused or maltreated child, or
10 when they have reasonable cause to suspect that a child is an abused or
11 maltreated child where the parent, guardian, custodian ~~[or]~~, other
12 person legally responsible for such child comes before them in their
13 professional or official capacity and states from personal knowledge
14 facts, conditions or circumstances which, if correct, would render the
15 child an abused or maltreated child: any physician; registered physician
16 assistant; surgeon; medical examiner; coroner; dentist; dental hygien-
17 ist; osteopath; optometrist; chiropractor; podiatrist; resident; intern;
18 psychologist; registered nurse; social worker; emergency medical techni-
19 cian; licensed creative arts therapist; licensed marriage and family
20 therapist; licensed mental health counselor; licensed psychoanalyst;

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

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1 licensed behavior analyst; certified behavior analyst assistant; hospi-
2 tal personnel engaged in the admission, examination, care or treatment
3 of persons; a Christian Science practitioner; clergy member or other
4 minister of any religion; school official, which includes but is not
5 limited to school teacher, school guidance counselor, school psychol-
6 ogist, school social worker, school nurse, school administrator or other
7 school personnel required to hold a teaching or administrative license
8 or certificate; full or part-time compensated school employee required
9 to hold a temporary coaching license or professional coaching certif-
10 icate; social services worker; employee of a publicly-funded emergency
11 shelter for families with children; director of a children's overnight
12 camp, summer day camp or traveling summer day camp, as such camps are
13 defined in section thirteen hundred ninety-two of the public health law;
14 day care center worker; school-age child care worker; provider of family
15 or group family day care; employee or volunteer in a residential care
16 facility for children that is licensed, certified or operated by the
17 office of children and family services; or any other child care or
18 foster care worker; mental health professional; substance abuse counse-
19 lor; alcoholism counselor; all persons credentialed by the office of
20 alcoholism and substance abuse services; employees, who are expected to
21 have regular and substantial contact with children, of a health home or
22 health home care management agency contracting with a health home as
23 designated by the department of health and authorized under section
24 three hundred sixty-five-1 of this chapter or such employees who provide
25 home and community based services under a demonstration program pursuant
26 to section eleven hundred fifteen of the federal social security act who
27 are expected to have regular and substantial contact with children;
28 peace officer; police officer; district attorney or assistant district
29 attorney; investigator employed in the office of a district attorney; or
30 other law enforcement official.

31 § 3. Subdivision 1 of section 413 of the social services law is
32 amended by adding five new paragraphs (e), (f), (g), (h) and (i) to read
33 as follows:

34 (e) Unless the person confessing or confiding waives the privilege, a
35 member of the clergy, or other minister of any religion or duly accred-
36 ited Christian Science practitioner, shall not be required to make a
37 report as required by paragraph (a) of this subdivision if the
38 confession or confidence was made to him or her in his or her profes-
39 sional character as spiritual advisor.

40 (f) When a member of the clergy has reasonable cause to suspect that a
41 child is an abused or maltreated child based upon any information
42 received other than through a confession or confidence made pursuant to
43 paragraph (e) of this subdivision, then such member of the clergy shall
44 promptly make a report as required by paragraph (a) of this subdivision
45 notwithstanding the fact that he or she may have also received a report
46 of abuse or maltreatment through a confession or confidence made pursu-
47 ant to paragraph (e) of this subdivision.

48 (g) The provisions of paragraph (e) of this subdivision shall not be
49 deemed to exempt a member of the clergy from any other requirements of
50 law to prevent the perpetrator from committing additional acts of abuse.

51 (h) For the purposes of this subdivision the term "member of the cler-
52 gy" shall have the same definition as the term "clergyman" as set forth
53 in section two of the religious corporations law and shall also include
54 any person responsible for supervising a member of the clergy of a reli-
55 gious institution or responsible for the administration of a religious
56 institution.

1 (i) For the purposes of this subdivision the term "religious institu-
2 tion" shall mean a religious corporation created to enable its members
3 to meet for divine worship or other religious observances or a congre-
4 gation, society, or other assemblage of persons who are accustomed to
5 statedly meet for divine worship or other religious observances, without
6 having been incorporated for that purpose, as provided in section two of
7 the religious corporations law.

8 § 4. This act shall take effect immediately.