# STATE OF NEW YORK

5652

2019-2020 Regular Sessions

# IN ASSEMBLY

February 14, 2019

Introduced by M. of A. GIGLIO, BARCLAY, BRABENEC, CROUCH, GOODELL, HAWLEY, KOLB, LAWRENCE, MIKULIN, B. MILLER, MORINELLO, NORRIS, REILLY, SAYEGH, TAGUE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the mandatory reporting of incidents of domestic violence

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

Section 1. The social services law is amended by adding a new section 459-i to read as follows:

**§ 459-i. Duty to report incidents of domestic violence. 1. In addition to any person required to report certain wounds and burn injuries and wounds in accordance with sections 265.25 and 265.26 of the penal law, any person or official required to report cases of suspected child abuse or maltreatment in accordance with section four hundred thirteen of this chapter shall also be required to report or cause a report to be made when he or she has reasonable cause to suspect that an individual coming before him or her in his or her professional or official capacity is a victim of domestic violence, as defined in section four hundred fifty-nine-a of this article.**

**2. Such report required by subdivision one of this section shall be made within forty-eight hours of discovery to the police authorities of the city, town or village where the person reporting is located.**

**3. Whenever such person is required to report under this section in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall make the report as required by this section and immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name,**

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

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title and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report. Nothing in this section is intended to require more than one report from any such institution, school or agency.

4. A medical or other public or private institution, school, facility or agency shall not take any retaliatory personnel action, as such term is defined in paragraph (e) of subdivision one of section seven hundred forty of the labor law, against an employee because such employee believes that he or she has reasonable cause to suspect that an individual coming before him or her is a victim of domestic violence and that employee therefore makes a report in accordance with this section. No school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff specifically required to report under this section. At the time of the making of a report, or at any time thereafter, such person or official may exercise the right to request the findings of an investigation made pursuant to this section.

5. Any person, institution, school, facility, agency, organization, partnership or corporation which employs persons mandated to report suspected incidents of domestic violence pursuant to subdivision one of this section shall provide all such current and new employees with written information explaining the reporting requirements set out in subdivision one of this section. The employers shall be responsible for the costs associated with printing and distributing the written information.

6. Any state or local governmental agency or authorized agency which issues a license, certificate or permit to an individual to operate a family day care home or group family day care home shall provide each person currently holding or seeking such a license, certificate or permit with written information explaining the reporting requirements set out in subdivision one of this section.

7. Any person, official or institution required by this title to report a case of suspected abuse or maltreatment of a senior who willfully fails to do so shall be guilty of a class A misdemeanor and shall be civilly liable for the damages proximately caused by such failure.

§ 2. This act shall take effect immediately. Effective immediately the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.