

STATE OF NEW YORK

7553

IN SENATE

January 24, 2020

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 requiring child protective services to orally disclose certain information to parents and caretakers who are the subject of a child protective services investigation

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

1 Section 1. The social services law is amended by adding a new section
2 424-c to read as follows:

3 § 424-c. Disclosure form. At the initial point of contact with a
4 parent or caretaker who is the subject of a child protective services
5 investigation, child protective services shall orally disseminate in
6 plain language to the parent or caretaker information regarding the
7 parent or caretaker's rights during such investigation and shall docu-
8 ment in the case record that such information has been provided to the
9 parent or caretaker. Such information shall include, but need not be
10 limited to, the following information:

11 1. The parent or caretaker is not required, unless court ordered, to
12 permit the child protective services representative to enter the resi-
13 dence of the parent or caretaker;

14 2. The parent or caretaker is entitled to be informed of the allega-
15 tions being investigated;

16 3. The parent or caretaker is not required, unless court ordered, to
17 speak with the child protective services representative, and any state-
18 ment made by the parent, caretaker or other family member may be used
19 against the parent or caretaker in an administrative or court proceed-
20 ing;

21 4. The parent or caretaker is entitled to seek the advice of an attor-
22 ney and to have an attorney present when the parent or caretaker is
23 questioned by a child protective services or administration for chil-
24 dren's services representative;

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

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1 5. The parent or caretaker is not required, unless court ordered, to
2 allow a child protective services representative to interview or examine
3 a child;

4 6. The parent or caretaker is not required, unless court ordered, to
5 agree to any requests made by a child protective services represen-
6 tative, including, but not limited to, requests to sign a release of
7 information or to take a drug or alcohol test;

8 7. Contact information for resources which may be available to parents
9 and caretakers during a child protective services investigation, includ-
10 ing legal services from a designated organization.

11 § 2. This act shall take effect immediately.