STATE OF NEW YORK

888

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. WALLACE, SIMON, STIRPE, BUTTENSCHON, FAHY, FERNANDEZ -- read once and referred to the Committee on Children and Families

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:

Section 1. This act shall be known and may be cited as the "child abuse reporting expansion act".

§ 2. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian [~~or~~], other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; **clergy member or other**

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

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minister of any religion; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

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

(e) Unless the person confessing or confiding waives the privilege, a member of the clergy, or other minister of any religion or duly accredited Christian Science practitioner, shall not be required to make a report as required by paragraph (a) of this subdivision if the confession or confidence was made to him or her in his or her professional character as spiritual advisor.

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

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

(h) For the purposes of this subdivision the term "member of the clergy" shall have the same definition as the term "clergyman" as set forth in section two of the religious corporations law and shall also include any person responsible for supervising a member of the clergy of a religious institution or responsible for the administration of a religious institution.

(i) For the purposes of this subdivision the term "religious institution" shall mean a religious corporation created to enable its members to meet for divine worship or other religious observances or a congre-

gation, society, or other assemblage of persons who are accustomed to statedly meet for divine worship or other religious observances, without having been incorporated for that purpose, as provided in section two of the religious corporations law.

§ 4. This act shall take effect immediately.