

STATE OF NEW YORK

1399

2021-2022 Regular Sessions

IN SENATE

January 11, 2021

Introduced by Sen. HOYLMAN -- 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 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;
21 licensed behavior analyst; certified behavior analyst assistant; hospi-
22 tal personnel engaged in the admission, examination, care or treatment
23 of persons; a Christian Science practitioner; clergy member or other
24 minister of any religion; school official, which includes but is not
25 limited to school teacher, school guidance counselor, school psychol-
26 ogist, school social worker, school nurse, school administrator or other
27 school personnel required to hold a teaching or administrative license
28 or certificate; full or part-time compensated school employee required

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

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1 to hold a temporary coaching license or professional coaching certifi-
2 cate; social services worker; employee of a publicly-funded emergency
3 shelter for families with children; director of a children's overnight
4 camp, summer day camp or traveling summer day camp, as such camps are
5 defined in section thirteen hundred ninety-two of the public health law;
6 day care center worker; school-age child care worker; provider of family
7 or group family day care; employee or volunteer in a residential care
8 facility for children that is licensed, certified or operated by the
9 office of children and family services; or any other child care or
10 foster care worker; mental health professional; substance abuse counse-
11 lor; alcoholism counselor; all persons credentialed by the office of
12 alcoholism and substance abuse services; employees, who are expected to
13 have regular and substantial contact with children, of a health home or
14 health home care management agency contracting with a health home as
15 designated by the department of health and authorized under section
16 three hundred sixty-five-1 of this chapter or such employees who provide
17 home and community based services under a demonstration program pursuant
18 to section eleven hundred fifteen of the federal social security act who
19 are expected to have regular and substantial contact with children;
20 peace officer; police officer; district attorney or assistant district
21 attorney; investigator employed in the office of a district attorney; or
22 other law enforcement official.

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

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

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

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

43 (h) For the purposes of this subdivision the term "member of the cler-
44 gy" shall have the same definition as the term "clergyman" as set forth
45 in section two of the religious corporations law and shall also include
46 any person responsible for supervising a member of the clergy of a reli-
47 gious institution or responsible for the administration of a religious
48 institution.

49 (i) For the purposes of this subdivision the term "religious institu-
50 tion" shall mean a religious corporation created to enable its members
51 to meet for divine worship or other religious observances or a congre-
52 gation, society, or other assemblage of persons who are accustomed to
53 statedly meet for divine worship or other religious observances, without
54 having been incorporated for that purpose, as provided in section two of
55 the religious corporations law.

56 § 4. This act shall take effect immediately.