

STATE OF NEW YORK

5484--A

2021-2022 Regular Sessions

IN SENATE

March 8, 2021

Introduced by Sens. BRISPORT, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring child protective services to 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. Information regarding parent or caretaker's rights. A parent
4 or caretaker has the right to receive certain information regarding
5 their rights at the initial point of contact during a child protective
6 investigation. At the initial point of contact with a parent or care-
7 taker, child protective services shall orally and in writing dissem-
8 inate, in the parent or caretaker's preferred language, information
9 regarding the parent or caretaker's rights during such investigation and
10 shall document in the case record that such information has been
11 provided to the parent or caretaker. Such information shall include, but
12 need not be limited to, the following information:

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

16 2. The parent or caretaker who is the subject of the investigation is
17 entitled to be informed of the allegations being investigated;

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

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

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1 against the parent or caretaker in an administrative or court proceed-
2 ing;

3 4. The parent or caretaker is entitled to seek the advice of an attor-
4 ney and to have an attorney present when the parent or caretaker is
5 questioned by a child protective representative;

6 5. The parent or caretaker is not required, unless court ordered, to
7 allow a child protective services representative to interview or examine
8 a child;

9 6. The parent or caretaker is not required, unless court ordered, to
10 agree to any requests made by a child protective services represen-
11 tative, including, but not limited to, requests to sign a release of
12 information, to take a drug or alcohol test, or to submit to a mental
13 health evaluation;

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

17 § 2. This act shall take effect immediately.