

STATE OF NEW YORK

5484--B

2021-2022 Regular Sessions

IN SENATE

March 8, 2021

Introduced by Sens. BRISPORT, BIAGGI, JACKSON, MYRIE, RAMOS, RIVERA, SALAZAR, SEPULVEDA -- 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 -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- 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.

7 1. At the initial point of contact with a parent or caretaker, child
8 protective services shall orally and in writing disseminate, in the
9 parent or caretaker's preferred language, information regarding the
10 parent or caretaker's rights during such investigation and shall docu-
11 ment in the case record that such information has been provided to the
12 parent or caretaker. Such information shall include, but need not be
13 limited to, the following information:

14 (a) The parent or caretaker is not required, unless court ordered, to
15 permit the child protective services representative to enter the resi-
16 dence of the parent or caretaker;

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

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1 (b) The parent or caretaker who is the subject of the investigation is
2 entitled to be informed of the allegations being investigated;

3 (c) The parent or caretaker is not required, unless court ordered, to
4 speak with the child protective services representative, and any state-
5 ment made by the parent, caretaker or other family member may be used
6 against the parent or caretaker in an administrative or court proceed-
7 ing;

8 (d) The parent or caretaker is entitled to seek the advice of an
9 attorney and to have an attorney present when the parent or caretaker is
10 questioned by a child protective representative;

11 (e) The parent or caretaker is not required, unless court ordered, to
12 allow a child protective services representative to interview or examine
13 a child;

14 (f) The parent or caretaker is not required, unless court ordered, to
15 agree to any requests made by a child protective services represen-
16 tative, including, but not limited to, requests to sign a release of
17 information, to take a drug or alcohol test, or to submit to a mental
18 health evaluation;

19 (g) Contact information for resources which may be available to
20 parents and caretakers during a child protective services investigation,
21 including legal services from a designated organization.

22 2. If at the initial point of contact with the parent or caretaker the
23 child protective services worker has reasonable cause to believe that
24 exigent circumstances exist that present an imminent danger to the
25 child's life or health and there is no time to seek a court order under
26 section one thousand twenty-four of the family court act, the child
27 protective services worker shall take all lawful measures necessary to
28 protect the child's life or health prior to disseminating information
29 regarding the parent or caretaker's rights during the investigation
30 pursuant to subdivision one of this section.

31 § 2. This act shall take effect immediately.