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:

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

§ 424-c. Information regarding parent or caretaker's rights. A parent or caretaker has the right to receive certain information regarding their rights at the initial point of contact during a child protective investigation.

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

(a) The parent or caretaker is not required, unless court ordered, to permit the child protective services representative to enter the residence 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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(b) The parent or caretaker who is the subject of the investigation is entitled to be informed of the allegations being investigated;

(c) The parent or caretaker is not required, unless court ordered, to speak with the child protective services representative, and any statement made by the parent, caretaker or other family member may be used against the parent or caretaker in an administrative or court proceeding;

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

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

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

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

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

§ 2. This act shall take effect immediately.