STATE OF NEW YORK

6746

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

Introduced by M. of A. MORINELLO, NORRIS -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to requiring certain child day care centers to have video surveillance

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 390-n to read as follows:

§ 390-n. Child day care center; video surveillance. 1. Each child day care center, as defined in paragraph (c) of subdivision one of section three hundred ninety of this title, or any authorized agency, as defined in paragraph (a) of subdivision ten of section three hundred seventy-one of this title, including any agency boarding home or group home, which on a regular basis cares for a child under the age of three shall:

(a) place video recording equipment in each area of the child day care center occupied by children who are three years of age or younger;

(b) visually monitor and record each area of the child day care center occupied by children who are three years of age or younger any time such children are present in such area.

2. If a child day care center is inside of or connected to a school, office building, or other facility, the child day care center shall only be required to place video recording equipment in and visually monitor and record areas used as classrooms.

3. A child day care center shall not be required to visually monitor and record an area when such area is not occupied by a child who is three years of age or younger.

4. Visual monitoring and recording shall not occur, except for incidental coverage by video recording equipment of a minor portion of such area due to the layout of the child day care center:

(a) inside of a bathroom;

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

LBD09910-01-3

(b) other than the main instructional area of a classroom, in any area in which a child's clothes or diapers are changed; and

(c) the main instructional area of a classroom when a child's clothes or diapers are changed in such area.

5. A child day care center shall release to an appropriate department, commission, law enforcement agency, or other governmental entity for viewing any part of a recording which:

(a) may show an alleged incident of abuse or neglect of a child or a violation of a licensing standard such entity is investigating; or

(b) is required to conduct a monitoring inspection.

6. Each child day care center shall retain recordings made under this section for at least ninety days from the date such recordings were made. Provided, however, if a person requests to view a recording from a child day care center under subdivision five of this section, such recording shall be retained until:

(a) a determination is made as to if an alleged incident of abuse or neglect occurred on such recording and, if it is determined that such incident occurred on such recording, until such incident is resolved, including the exhaustion of any and all appeals; or

(b) the completion of the monitoring inspection.

§ 2. This act shall take effect one year after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.