STATE OF NEW YORK

2709

2023-2024 Regular Sessions

IN SENATE

January 24, 2023

Introduced by Sen. HARCKHAM -- 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, the not-for-profit corporation law and the executive law, in relation to including certain employees or volunteers of youth organizations as mandated reporters

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 1 of section 413 of the social services law, as amended by section 7 of part C of chapter 57 of the laws of 2018, is amended to read as follows:

(a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician assistant; surgeon; medical examiner; coroner; dentist; dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern; psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel engaged in the admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or

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

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administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly-funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section thirteen hundred ninety-two of the public health law; **employee or volunteer of a not-for-profit organization with the primary purpose of engaging with youth under the age of eighteen through activities, events, or gatherings, as designated by the commissioner where such employee or volunteer is likely to have regular and substantial contact with such youth;** day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the office of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section three hundred sixty-five-l of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section eleven hundred fifteen of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

§ 2. Section 404 of the not-for-profit corporation law is amended by adding a new paragraph (w) to read as follows:

(w) Every certificate of incorporation which includes as the primary purpose the operation of a corporation where its employees or volunteers are expected to have regular and substantial contact with youth under the age of eighteen through activities, events, or gatherings and such corporation has been designated by the office of children and family services, pursuant to section four hundred thirteen of the social services law, shall have endorsed thereon or annexed thereto notice to the office of children and family services of the incorporation.

§ 3. The executive law is amended by adding a new section 111 to read as follows:

§ 111. Notice to certain corporations related to reporting requirements. The secretary of state, in consultation with the office of children and family services, shall provide notice to any entity incorporated pursuant to article four of the not-for-profit corporation law prior to the effective date of this section who has since been designated by the office of children and family services pursuant to section four hundred thirteen of the social services law. Upon such notice, such not-for-profit corporation shall be required to meet the requirements contained in section four hundred thirteen of the social services law.

§ 4. This act shall take effect on the ninetieth day 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.