

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:

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

4 (a) The following persons and officials are required to report or
5 cause a report to be made in accordance with this title when they have
6 reasonable cause to suspect that a child coming before them in their
7 professional or official capacity is an abused or maltreated child, or
8 when they have reasonable cause to suspect that a child is an abused or
9 maltreated child where the parent, guardian, custodian or other person
10 legally responsible for such child comes before them in their profes-
11 sional or official capacity and states from personal knowledge facts,
12 conditions or circumstances which, if correct, would render the child an
13 abused or maltreated child: any physician; registered physician assist-
14 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
15 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
16 psychologist; registered nurse; social worker; emergency medical techni-
17 cian; licensed creative arts therapist; licensed marriage and family
18 therapist; licensed mental health counselor; licensed psychoanalyst;
19 licensed behavior analyst; certified behavior analyst assistant; hospi-
20 tal personnel engaged in the admission, examination, care or treatment
21 of persons; a Christian Science practitioner; school official, which
22 includes but is not limited to school teacher, school guidance counse-
23 lor, school psychologist, school social worker, school nurse, school
24 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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1 administrative license or certificate; full or part-time compensated
2 school employee required to hold a temporary coaching license or profes-
3 sional coaching certificate; social services worker; employee of a publ-
4 icly-funded emergency shelter for families with children; director of a
5 children's overnight camp, summer day camp or traveling summer day camp,
6 as such camps are defined in section thirteen hundred ninety-two of the
7 public health law; employee or volunteer of a not-for-profit organiza-
8 tion with the primary purpose of engaging with youth under the age of
9 eighteen through activities, events, or gatherings, as designated by the
10 commissioner where such employee or volunteer is likely to have regular
11 and substantial contact with such youth; day care center worker; school-
12 age child care worker; provider of family or group family day care;
13 employee or volunteer in a residential care facility for children that
14 is licensed, certified or operated by the office of children and family
15 services; or any other child care or foster care worker; mental health
16 professional; substance abuse counselor; alcoholism counselor; all
17 persons credentialed by the office of alcoholism and substance abuse
18 services; employees, who are expected to have regular and substantial
19 contact with children, of a health home or health home care management
20 agency contracting with a health home as designated by the department of
21 health and authorized under section three hundred sixty-five-1 of this
22 chapter or such employees who provide home and community based services
23 under a demonstration program pursuant to section eleven hundred fifteen
24 of the federal social security act who are expected to have regular and
25 substantial contact with children; peace officer; police officer;
26 district attorney or assistant district attorney; investigator employed
27 in the office of a district attorney; or other law enforcement official.

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

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

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

40 § 111. Notice to certain corporations related to reporting require-
41 ments. The secretary of state, in consultation with the office of chil-
42 dren and family services, shall provide notice to any entity incorpo-
43 rated pursuant to article four of the not-for-profit corporation law
44 prior to the effective date of this section who has since been desig-
45 nated by the office of children and family services pursuant to section
46 four hundred thirteen of the social services law. Upon such notice, such
47 not-for-profit corporation shall be required to meet the requirements
48 contained in section four hundred thirteen of the social services law.

49 § 4. This act shall take effect on the ninetieth day after it shall
50 have become a law. Effective immediately, the addition, amendment and/or
51 repeal of any rule or regulation necessary for the implementation of
52 this act on its effective date are authorized to be made and completed
53 on or before such effective date.