

# STATE OF NEW YORK

600

2023-2024 Regular Sessions

## IN SENATE

January 5, 2023

Introduced by Sen. SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the executive law, in relation to the powers and duties of the correctional association to inspect residential juvenile facilities

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

1 Section 1. Section 503 of the executive law is amended by adding a new  
2 subdivision 6-a to read as follows:

3 6-a. The office of children and family services shall ensure that all  
4 youth placed in secure, limited secure and non-secure facilities oper-  
5 ated, maintained or certified by the office of children and family  
6 services have access to a confidential toll-free hotline established by  
7 prisoners' legal services of New York pursuant to subdivision three of  
8 section five hundred four-d of this title for the purposes of reporting  
9 maltreatment or abuse and complaints regarding conditions of placement  
10 or confinement. The office of children and family services shall allow  
11 prisoners' legal services of New York quarterly access to such facili-  
12 ties to advise the youth of their procedural and substantive rights and  
13 inform such youth of the hotline.

14 § 2. The executive law is amended by adding a new section 504-c to  
15 read as follows:

16 § 504-c. Powers and duties of the correctional association of New  
17 York. 1. Notwithstanding any other provision of law to the contrary, the  
18 correctional association of New York, by such committees as they shall  
19 from time to time appoint, shall have the power, authority and duty to  
20 regularly visit, inspect, and examine all secure, limited secure and  
21 non-secure facilities operated, maintained or certified by the office of  
22 children and family services, including all property, documents,  
23 records, policies, procedures, staff and all such other things main-  
24 tained or controlled by such facilities.

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

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1 2. The correctional association shall have the authority to conduct  
2 unannounced visits at all secure, limited secure and non-secure facili-  
3 ties operated, maintained or certified by the office of children and  
4 family services to ensure the welfare of the youth is protected. The  
5 correctional association shall have the authority to receive and review  
6 copies of all incident reports involving youth residing in such facili-  
7 ties. If the correctional association learns that a youth has been  
8 maltreated or abused, or that a youth has made allegations of maltreat-  
9 ment or abuse, they shall make an immediate report to the commissioner  
10 of the office of children and family services, the justice center for  
11 the protection of people with special needs, and to prisoners' legal  
12 services of New York.

13 3. The correctional association shall have the authority to have  
14 confidential contact in person and in writing with the residents and  
15 staff of secure, limited secure and non-secure facilities operated,  
16 maintained or certified by the office of children and family services.  
17 All confidential information the correctional association obtains while  
18 fulfilling its duties under this section shall remain confidential and  
19 any limitations on the release thereof imposed by law upon the party  
20 furnishing the information shall apply to the correctional association,  
21 provided that the correctional association may report such information  
22 related to the maltreatment or abuse of youth as required by subdivision  
23 two of this section.

24 4. The correctional association shall annually report to the governor,  
25 the temporary president of the senate, the speaker of the assembly, the  
26 chairs of the children and families committee in the senate and assem-  
27 bly, the office of children and family services, labor representatives,  
28 and the media regarding the state and condition of the secure, limited  
29 secure and non-secure facilities operated, maintained and certified by  
30 the office of children and family services, including any suggested  
31 remedial actions. The initial report required by this subdivision shall  
32 be presented by the first of November next succeeding the effective date  
33 of this section. The correctional association shall make all reports  
34 available on the internet. The office of children and family services  
35 shall meet with the correctional association and respond in writing to  
36 the findings and recommendations issued in the annual reports. The  
37 office of children and family services shall make its response available  
38 on the internet.

39 5. The provisions of this section shall not apply to any child who is  
40 placed in foster care pursuant to section three hundred fifty-eight-a,  
41 three hundred eighty-four or three hundred eighty-four-a of the social  
42 services law or pursuant to section one thousand twenty-one, one thou-  
43 sand twenty-two, one thousand twenty-four, one thousand twenty-seven, or  
44 one thousand fifty-two of the family court act; or directly placed with  
45 a relative pursuant to section one thousand seventeen or one thousand  
46 fifty-five of the family court act.

47 § 3. The executive law is amended by adding a new section 504-d to  
48 read as follows:

49 § 504-d. Powers of prisoners' legal services of New York. 1. Notwith-  
50 standing any other provision of law to the contrary, prisoners' legal  
51 services, by and through their employees, upon notification of a  
52 complaint of maltreatment or abuse or a complaint regarding a condition  
53 of placement or confinement by the correctional association of New York  
54 pursuant to subdivision two of section five hundred four-c of this  
55 title, via the hotline established pursuant to subdivision three of this  
56 section, or by a parent, guardian or any other concerned individual,

1 shall have the power and authority to provide legal representation to  
2 youth residing in secure, limited secure and non-secure facilities oper-  
3 ated, maintained or certified by the office of children and family  
4 services, including the power and authority to have confidential contact  
5 visits with such youth, review their records, investigate their  
6 complaints, and advocate for their rights, safety and well-being. Upon  
7 commencing representation of a youth pursuant to this section, prison-  
8 ers' legal services shall provide notice to the attorney for the child  
9 or retained counsel or appointed counsel, if any, who represent such  
10 youth at the time the complaint is received. Upon commencing represen-  
11 tation of a youth pursuant to this section, prisoners' legal services  
12 shall provide notice to the parent, guardian, or custodian of the youth.  
13 Upon commencing representation of a youth pursuant to this section,  
14 prisoners' legal services shall provide notice to the local department  
15 of social services and/or entity which is the temporary custodian of the  
16 youth or which facilitates the youth's placement or confinement at the  
17 time the complaint is received.

18 2. Prisoners' legal services shall have the authority to inspect,  
19 request, receive and review all documents associated with representation  
20 of a youth pursuant to subdivision one of this section, including but  
21 not limited to, use of force documents, unusual incident reports,  
22 medical and mental health records, disciplinary records and programming  
23 institutional records, presentence reports and court records, including  
24 sealed records, without obtaining an unseal order. The entity providing  
25 documents shall have the authority to remove and/or redact the confiden-  
26 tial information of any youth contained in the documents provided who  
27 are not represented by prisoners' legal services.

28 3. Prisoners' legal services shall be authorized to establish a confi-  
29 dential toll-free hotline for the purpose of receiving reports of  
30 maltreatment or abuse from youth residing at secure, limited secure and  
31 non-secure facilities operated, maintained or certified by the office of  
32 children and family services.

33 4. All confidential information obtained by prisoners' legal services  
34 pursuant to its functions under this section shall remain confidential  
35 and any limitations on the release thereof imposed by law upon the party  
36 furnishing the information shall apply to prisoners' legal services.  
37 Confidential information obtained by prisoners' legal services pursuant  
38 to its functions under this section may be appended to legal documents  
39 and pleadings as a sealed exhibit.

40 5. The provisions of this section shall not apply to any child who is  
41 placed in foster care pursuant to section three hundred fifty-eight-a,  
42 three hundred eighty-four or three hundred eighty-four-a of the social  
43 services law or pursuant to section one thousand twenty-one, one thou-  
44 sand twenty-two, one thousand twenty-four, one thousand twenty-seven, or  
45 one thousand fifty-two of the family court act; or directly placed with  
46 a relative pursuant to section one thousand seventeen or one thousand  
47 fifty-five of the family court act.

48 § 4. This act shall take effect on the sixtieth day after it shall  
49 have become a law.