

STATE OF NEW YORK

5283--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. DILAN, HEVESI, DAVILA -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

3 § 504-c. Powers and duties of the correctional association of New
4 York. 1. Notwithstanding any other provision of law to the contrary, the
5 correctional association of New York, by such committees as they shall
6 from time to time appoint, shall have the power, authority and duty to
7 regularly visit, inspect, and examine all non-secure detention facili-
8 ties, secure detention facilities, specialized secure detention facili-
9 ties, secure residential division facilities, limited secure residential
10 division facilities, and non-secure residential division facilities
11 operated, maintained, monitored or certified by the office of children
12 and family services, including all property, documents, records, poli-
13 cies, procedures, staff and all such other things maintained or
14 controlled by such facilities.

15 2. The correctional association shall have the authority to conduct
16 unannounced visits at all non-secure detention facilities, secure
17 detention facilities, specialized secure detention facilities, secure
18 residential division facilities, limited secure residential division
19 facilities, and non-secure residential division facilities operated,
20 maintained, monitored or certified by the office of children and family
21 services to ensure the welfare of the youth is protected. The correc-
22 tional association shall have the authority to receive and review copies
23 of all incident reports involving youth residing in such facilities. If

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

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1 the correctional association learns that a youth has been maltreated or
2 abused, or that a youth has made allegations of maltreatment or abuse,
3 they shall make an immediate report to the commissioner of the office of
4 children and family services, the justice center for the protection of
5 people with special needs, and to prisoners' legal services of New York.

6 3. The correctional association shall have the authority to have
7 confidential contact in person and in writing with the residents and
8 staff of non-secure detention facilities, secure detention facilities,
9 specialized secure detention facilities, secure residential division
10 facilities, limited secure residential division facilities, and non-se-
11 ecure residential division facilities operated, maintained, monitored or
12 certified by the office of children and family services. All confiden-
13 tial information the correctional association obtains while fulfilling
14 its duties under this section shall remain confidential and any limita-
15 tions on the release thereof imposed by law upon the party furnishing
16 the information shall apply to the correctional association, provided
17 that the correctional association may report such information related to
18 the maltreatment or abuse of youth as required by subdivision two of
19 this section.

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

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

46 § 2. The executive law is amended by adding two new sections 504-d and
47 504-e to read as follows:

48 § 504-d. Prisoners' legal services of New York hotline access. The
49 office of children and family services shall ensure that all youth
50 placed in non-secure detention facilities, secure detention facilities,
51 specialized secure detention facilities, secure residential division
52 facilities, limited secure residential division facilities, and non-se-
53 ecure residential division facilities operated, maintained, monitored or
54 certified by the office of children and family services have access to a
55 confidential toll-free hotline established by prisoners' legal services
56 of New York for the purposes of reporting maltreatment or abuse and

1 complaints regarding conditions of placement or confinement. The office
2 of children and family services shall allow prisoners' legal services of
3 New York quarterly access to such facilities to advise the youth of
4 their procedural and substantive rights and inform such youth of the
5 hotline.

6 § 504-e. Powers of prisoners' legal services of New York. 1. Notwith-
7 standing any other provision of law to the contrary, prisoners' legal
8 services, by and through their employees, upon notification of a
9 complaint of maltreatment or abuse or a complaint regarding a condition
10 of placement or confinement by the correctional association of New York
11 pursuant to subdivision two of section five hundred four-c of this
12 title, via the hotline established pursuant to subdivision three of this
13 section, or by a parent, guardian or any other concerned individual,
14 shall have the power and authority to provide legal representation to
15 youth residing in non-secure detention facilities, secure detention
16 facilities, specialized secure detention facilities, secure residential
17 division facilities, limited secure residential division facilities, and
18 non-secure residential division facilities operated, maintained, moni-
19 tored or certified by the office of children and family services,
20 including the power and authority to have confidential contact visits
21 with such youth, review their records, investigate their complaints, and
22 advocate for their rights, safety and well-being. Upon commencing repre-
23 sentation of a youth pursuant to this section, prisoners' legal services
24 shall provide notice to the attorney for the child or retained counsel
25 or appointed counsel, if any, who represent such youth at the time the
26 complaint is received. Upon commencing representation of a youth pursu-
27 ant to this section, prisoners' legal services shall provide notice to
28 the parent, guardian, or custodian of the youth. Upon commencing repre-
29 sentation of a youth pursuant to this section, prisoners' legal services
30 shall provide notice to the local department of social services and/or
31 entity which is the temporary custodian of the youth or which facili-
32 tates the youth's placement or confinement at the time the complaint is
33 received.

34 2. Prisoners' legal services shall have the authority to inspect,
35 request, receive and review all documents associated with representation
36 of a youth pursuant to subdivision one of this section, including but
37 not limited to, use of force documents, unusual incident reports,
38 medical and mental health records, disciplinary records and programming
39 institutional records, presentence reports and court records, including
40 sealed records, without obtaining an unseal order. The entity providing
41 documents shall have the authority to remove and/or redact the confiden-
42 tial information of any youth contained in the documents provided who
43 are not represented by prisoners' legal services.

44 3. Prisoners' legal services shall be authorized to establish a confi-
45 dential toll-free hotline for the purpose of receiving reports of
46 maltreatment or abuse from youth residing at non-secure detention facil-
47 ities, secure detention facilities, specialized secure detention facili-
48 ties, secure residential division facilities, limited secure residential
49 division facilities, and non-secure residential division facilities
50 operated, maintained, monitored or certified by the office of children
51 and family services.

52 4. All confidential information obtained by prisoners' legal services
53 pursuant to its functions under this section shall remain confidential
54 and any limitations on the release thereof imposed by law upon the party
55 furnishing the information shall apply to prisoners' legal services.
56 Confidential information obtained by prisoners' legal services pursuant

1 to its functions under this section may be appended to legal documents
2 and pleadings as a sealed exhibit.

3 5. The provisions of this section shall not apply to any child who is
4 placed in foster care pursuant to section three hundred fifty-eight-a,
5 three hundred eighty-four or three hundred eighty-four-a of the social
6 services law or pursuant to section one thousand twenty-one, one thou-
7 sand twenty-two, one thousand twenty-four, one thousand twenty-seven, or
8 one thousand fifty-two of the family court act; or directly placed with
9 a relative pursuant to section one thousand seventeen or one thousand
10 fifty-five of the family court act.

11 § 3. This act shall take effect on the sixtieth day after it shall
12 have become a law.