

# STATE OF NEW YORK

10020

## IN ASSEMBLY

January 22, 2026

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

AN ACT to amend the social services law, in relation to mandatory  
reporting of senior abuse or maltreatment

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

1 Section 1. Article 9-B of the social services law is amended by adding  
2 a new title 4 to read as follows:

### TITLE 4

#### DUTY TO REPORT SENIOR ABUSE

5 Section 473-f. Duty to report senior abuse.

6 § 473-f. Duty to report senior abuse. 1. As used in this section:

7 (a) "Senior" means a person sixty years of age or older.

8 (b) "Person legally responsible for a senior" means and includes the  
9 senior's custodian, guardian or any other person formally or informally  
10 responsible for the senior's care at the relevant time, any person  
11 acting with power of attorney, trustee appointed by a court, or any  
12 person who by consent, contract or legal order acts to arrange the  
13 affairs of the senior.

14 (c) "Abused senior" means and includes a senior abused in any of the  
15 following manners:

16 (i) "Physical abuse" means the non-accidental use of force that  
17 results in the suffering of bodily injury, physical pain or impairment  
18 resulting from the use of physical force against a senior, including but  
19 not limited to, striking with or without an object, hitting, beating,  
20 pushing, shoving, shaking, kicking, pinching, being slapped, burned,  
21 cut, bruised or improperly physically restrained. Physical abuse also  
22 includes any physical signs of impairment or of being subjected to  
23 punishment, or signs of being restrained, or a senior's report of being  
24 hit, slapped, kicked, or mistreated.

25 (ii) "Sexual abuse" means non-consensual sexual contact of any kind  
26 with a senior, including but not limited to, unwanted touching, sexual  
27 assault or battery, rape, sodomy, coerced nudity, and sexually explicit  
28 photographing, forcing sexual contact or forcing sex with a third party.

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

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1 (iii) "Emotional or psychological abuse" means willful infliction of  
2 mental or emotional anguish by threat, humiliation, intimidation or  
3 other abusive conduct, including but not limited to, frightening or  
4 isolating an adult. Emotional or psychological abuse may also include  
5 the infliction of anguish, pain or distress through verbal or nonverbal  
6 acts, including but not limited to verbal assaults, insults, threats,  
7 intimidation, humiliation, and harassment, infantilizing a senior,  
8 isolating a senior from such senior's family, friends or regular activ-  
9 ities, or enforced social isolation, the results of which may be evinced  
10 by impairments including but not limited to the caregiver's refusal to  
11 allow visitors to see a senior alone, or changes in the senior's behav-  
12 ior that result in the senior being emotionally upset or agitated, being  
13 extremely withdrawn and noncommunicative or nonresponsive, unusual  
14 behavior usually attributed to dementia (e.g. sucking, biting, rock-  
15 ing).

16 (iv) "Neglect" means the refusal or failure to fulfill any part of a  
17 person's obligations or duties to a senior, failure of a person who has  
18 fiduciary responsibilities to provide care for a senior or the failure  
19 on the part of an in-home service provider to provide such necessary  
20 care, including the refusal or failure to provide an elderly person with  
21 such life necessities as food, water, clothing, shelter, personal  
22 hygiene, medicine, comfort, personal safety, and other essentials  
23 included in an implied or agreed-upon responsibility to such senior, the  
24 results of which may be evinced by such visible physical impairments as  
25 dehydration, malnutrition, untreated bed sores, and poor personal  
26 hygiene, unattended or untreated health problems, hazardous or unsafe  
27 living conditions/arrangements, unsanitary and unclean living conditions  
28 (e.g. dirt, fleas, lice on person, soiled bedding, fecal/urine smell,  
29 inadequate clothing).

30 (v) "Abandonment" means the desertion of a senior by an individual who  
31 has assumed responsibility for providing care for such senior, or by a  
32 person with physical custody of a senior, including but not limited to  
33 the desertion of a senior at a hospital, a nursing facility, or other  
34 similar institution, or the desertion of a senior at a shopping center  
35 or other public location; or a senior's report of being abandoned.

36 (vi) "Financial or material exploitation" means the illegal or improper  
37 use of a senior's funds, property, or assets, including without limita-  
38 tion cashing a senior's checks without authorization or permission,  
39 forging a senior's signature, misusing or stealing a senior's money or  
40 possessions, coercing or deceiving a senior into signing a document such  
41 as a contract or a will, or improper use of conservatorship, guardian-  
42 ship, or power of attorney.

43 (vii) "Self-neglect" means the behavior of an elderly person that  
44 threatens their own health or safety through the refusal or failure to  
45 provide themselves with adequate food, water, clothing, shelter,  
46 personal hygiene, medication (when indicated), and safety precautions.

47 2. Adult protective services shall establish a registry that shall be  
48 capable of receiving reports by telephone, fax, e-mail, and any other  
49 forms of communication the local commissioner of social services deems  
50 appropriate, alleging that a senior has become an abused senior, or  
51 immediately identifying prior reports of abuse involving such senior or  
52 other persons named in the report.

53 3. The following persons are required to report or cause a report to  
54 be made in accordance with this section when, while acting in their  
55 professional or official capacity, they have reasonable cause to suspect  
56 that a senior coming before them is an abused senior, or when they have

1 reasonable cause to suspect that a senior is an abused senior, as  
2 defined in subdivision one of this section:

3 (a) any health care worker, including any physician, physician assist-  
4 ant, surgeon, medical examiner, coroner, dentist, dental hygienist,  
5 osteopath, optometrist, chiropractor, podiatrist, resident, intern,  
6 psychologist, registered nurse, emergency medical technician, or any  
7 hospital or nursing home and assisted living personnel engaged in the  
8 admission, examination, care or treatment of persons, or any other  
9 health care or health services practitioner, including a Christian  
10 Science practitioner, acupuncturist, or other such person;

11 (b) any social worker, social services worker, or any provider of  
12 family or group family day care;

13 (c) any mental health professional, substance abuse counselor or alco-  
14 holism counselor;

15 (d) any person, including a director, operator, employee, volunteer,  
16 or contractor, in a public, private, or not-for-profit facility which  
17 provides care to one or more seniors and which is licensed or registered  
18 pursuant to the provisions of this chapter or the public health law;

19 (e) any peace officer, police officer, district attorney or assistant  
20 district attorney, investigator employed in the office of a district  
21 attorney or other law enforcement official; and

22 (f) any banker, financial consultant, attorney, or paralegal with  
23 access to a senior's financial records or resources or legal documents  
24 or who possesses power of attorney for such senior.

25 The local commissioner of social services shall further define and  
26 enumerate in regulations persons and occupations which are required to  
27 report when they suspect that a senior has become an abused senior.

28 4. Reports of senior abuse made pursuant to this section shall be made  
29 within forty-eight hours of discovery to adult protective services by  
30 telephone, fax, e-mail or any other communication protocol on a form  
31 supplied by the local commissioner of social services. Oral reports  
32 shall be followed by a report in writing within forty-eight hours after  
33 such oral report.

34 5. Written reports shall be made in a manner prescribed by and on  
35 forms supplied by the local commissioner of social services and shall  
36 include the following information:

37 (a) the name and address of the senior;

38 (b) the person responsible for such senior's care, if known;

39 (c) the name and address of the care facility or program in which the  
40 senior resides or is receiving care;

41 (d) the senior's age, sex and race;

42 (e) the nature and extent of the injuries, abuse or maltreatment,  
43 including any evidence of prior injuries, abuse or maltreatment;

44 (f) the name of the person or persons alleged to be responsible for  
45 causing the injury, abuse or maltreatment, if known;

46 (g) family composition, where appropriate;

47 (h) the source of the report;

48 (i) the person making the report and where they can be reached;

49 (j) the actions taken by the reporting source, including the taking of  
50 photographs and technological scans, or notifying the medical examiner  
51 or coroner; and

52 (k) any other information which the local commissioner of social  
53 services may by regulation require, or which the person making the  
54 report believes might be helpful, in the furtherance of the intent and  
55 purposes of this article.

1 6. Whenever such person required to report under this section in their  
2 capacity as a member of the staff of a medical or other public or  
3 private institution, facility or agency, such person shall make the  
4 report as required by this section and immediately notify the person in  
5 charge of such institution, facility or agency, or the designated agent  
6 of such person. Such person in charge, or the designated agent of such  
7 person, shall be responsible for all subsequent administration necessi-  
8 tated by the report. Nothing in this section is intended to require more  
9 than one report from any such institution, facility or agency.

10 7. A person or official required to report suspected senior abuse or  
11 maltreatment who has reasonable cause to suspect that a senior died as a  
12 result of abuse or maltreatment shall report the fact to the appropriate  
13 medical examiner or coroner. The medical examiner or coroner shall  
14 accept the report for investigation and shall report their finding to  
15 the police, the appropriate district attorney, the local social services  
16 office, and, if the institution making the report is a hospital, the  
17 hospital.

18 8. A medical or other public or private institution, facility or agen-  
19 cy shall not take any retaliatory personnel action, as such term is  
20 defined in paragraph (e) of subdivision one of section seven hundred  
21 forty of the labor law, against an employee because such employee  
22 believes that they have reasonable cause to suspect that an individual  
23 coming before them is a victim of senior abuse and that employee there-  
24 fore makes a report in accordance with this section. No residential care  
25 facility provider, hospital, medical institution provider or mental  
26 health facility provider shall impose any conditions, including prior  
27 approval or prior notification, upon a member of their staff specif-  
28 ically required to report under this section. At the time of the making  
29 of a report, or at any time thereafter, such person or official may  
30 exercise the right to request the findings of an investigation made  
31 pursuant to this section.

32 9. Any person, institution, facility, agency, organization, partner-  
33 ship or corporation which employs persons mandated to report suspected  
34 senior abuse shall provide all such current and new employees with writ-  
35 ten information explaining the reporting requirements set out in this  
36 section. The employers shall be responsible for the costs associated  
37 with printing and distributing the written information.

38 10. Any person, official or institution required by this section to  
39 report a case of suspected abuse or maltreatment of a senior who will-  
40 fully fails to do so shall be guilty of a class A misdemeanor and shall  
41 be civilly liable for the damages proximately caused by such failure.

42 § 2. This act shall take effect immediately. Effective immediately the  
43 addition, amendment and/or repeal of any rule or regulation necessary  
44 for the implementation of this act on its effective date are authorized  
45 to be made and completed on or before such date.