§ 423. Child protective service responsibilities and organization; purchase of service and reimbursement of cost; local plan. 1. (a) Every local department of social services shall establish a "child protective service" within such department. The child protective service shall perform those functions assigned by this title to it and only such others that would further the purposes of this title. Local social services departments shall distribute the laws, regulations and policies of the department pursuant to section four hundred twenty-one of this article to any society for the prevention of cruelty to children which has entered into a currently valid contract with a local department of social services.

(b) Every local department of social services shall provide to the child protective service information available to the local department which is relevant to the investigation of a report of child abuse or maltreatment or to the provision of protective services, where the confidentiality of such information is not expressly protected by law.

(c) The child protective service shall have a sufficient staff of sufficient qualifications to fulfill the purposes of this title and be organized in such a way as to maximize the continuity of responsibility, care and service of individual workers toward individual children and families. A social services district shall have flexibility in assigning staff to the child protective service provided that each staff assigned to such service has the staff qualifications and has received the training required by the department regulations promulgated pursuant to subdivisions four and five of section four hundred twenty-one of this title.

(d) Consistent with appropriate collective bargaining agreements and applicable provisions of the civil service law, every child protective service shall establish a procedure to review and evaluate the backgrounds of and information supplied by all applicants for employment. Such procedures shall include but not be limited to the following requirements: that the applicant set forth his or her employment history, provide personal and employment references and relevant experiential and educational information, and sign a sworn statement indicating whether the applicant, to the best of his or her knowledge, has ever been convicted of a crime in this state or any other jurisdiction.

(e) For purposes of this title, a child protective service shall include an Indian tribe that has entered into an agreement with the department pursuant to section thirty-nine of this chapter to provide child protective services to Indians residing upon the tribe's reservation in the state. Notwithstanding any other provision of law, for the purposes of this title, a social services district or a local department of social services shall include an Indian tribe that has entered into an agreement with the department pursuant to section thirty-nine of this chapter to provide child protective services. Such Indian tribe shall only be considered a child protective service while such an agreement is in effect.

2. Any other provision of law notwithstanding, but consistent with subdivision (1) of this section, the child protective service, based upon the local plan of services as provided in subdivision (3) of this section, may purchase and utilize the services of any appropriate public or voluntary agency including a society for the prevention of cruelty to children. When services are purchased by the local department pursuant to this section and title, they shall be reimbursed by the state to the locality in the same manner and to the same extent as if the services were provided directly by the local department.

3. (a) Each social services district shall prepare and submit to the commissioner, after consultation with local law enforcement agencies, the family court and appropriate public or voluntary agencies including societies for the prevention of cruelty to children and after a public hearing, a district-wide plan, as prescribed by the commissioner, for the provision of child protective services which shall be a component of the district's multi-year consolidated services plan. This plan shall describe the district's implementation of this title including the organization, staffing, mode of operations and financing of the child protective service as well as the provisions made for purchase of service and inter-agency relations. Commencing the year following preparation of a multi-year consolidated services plan, each local district shall prepare annual implementation reports including information related to its child protective services plan. The social services district shall submit the child protective services plan to the

department as a component of its multi-year consolidated services plan and subsequent thereto as a component of its annual implementation reports and the department shall review and approve or disapprove the proposed plan and reports in accordance with the procedures set forth in section thirty-four-a of this chapter.

4. As used in this section, "service" or "services" shall include the coordinating and monitoring of the activities of appropriate public or voluntary agencies utilized in the local plan.

5. In accordance with the provisions of subdivisions one and two of this section, a local department of social services may submit to the department a plan for a special program for the purpose of (a) ensuring the delivery of services to children and their families by arranging for the purchase and utilization of the service of any appropriate public or voluntary agency to provide rehabilitative services to at least the majority of children and families assisted by the child protective service; and (b) strengthening the monitoring role of the child protective service.

Such program shall also include provisions for the training of employees of public and private agencies assigned functions of the child protective service, in the duties and responsibilities of the child protective service and in the provision of services to children and families, pursuant to this title. The department shall approve such a plan in not more than six social services districts upon satisfactory demonstration that a local department of social services will effectively discharge all responsibilities required by this title. Any such plan must be submitted to the department as part of the multi-year services plan required pursuant to section thirty-four-a of this chapter and, if approved, shall be operative for a period not to exceed three years. The department shall contract with an individual, partnership, corporation, institution or other organization for the performance of a comprehensive evaluation of the effectiveness of the implementation of such plans. A report of such evaluations shall be submitted by the department to the governor and the legislature by January first, nineteen hundred ninety. Nothing in this subdivision shall be deemed to

relieve a child protective service from any responsibilities assigned to it by this title.

6. A social services district may establish a multidisciplinary investigative team or teams and may establish or work as part of a child advocacy center established pursuant to section four hundred twenty-three-a of this title, at a local or regional level, for the purpose of investigating reports of suspected child abuse or maltreatment. The social services district shall have discretion with regard to the category or categories of suspected child abuse or maltreatment such team or teams may investigate, provided, however, the social services district shall place particular emphasis on cases involving the abuse of a child as described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act, sexual abuse of a child or the death of a child. Members of multidisciplinary teams shall include but not be limited to representatives from the following agencies: child protective services, law enforcement, district attorney's office, physician or medical provider trained in forensic pediatrics, mental health professionals, victim advocacy personnel and, if one exists, a child advocacy center. Members of the multidisciplinary team primarily responsible for the investigation of child abuse reports, including child protective services, law enforcement and district attorney's office, shall participate in joint interviews and conduct investigative functions consistent with the mission of the particular agency member involved. It shall not be required that members of a multidisciplinary team not responsible for the investigation of reports participate in every investigation. Such other members shall provide victim advocacy, emotional support, and access to medical and mental health care, where applicable. All members, consistent with their respective agency missions, shall facilitate efficient delivery of services to victims and appropriate disposition of cases through the criminal justice system and/or the family court system in a collaborative manner, however, non-investigative team members shall note their specific role in the team for reports covered under this title. Notwithstanding any other provision of law to the contrary, members of a multidisciplinary investigative team or a child advocacy center may share with other team

members client-identifiable information concerning the child or the child's family to facilitate the investigation of suspected child abuse or maltreatment. Nothing in this subdivision shall preclude the creation of multidisciplinary teams or child advocacy centers which include more than one social services district. Each team shall develop a written protocol for investigation of child abuse and maltreatment cases and for interviewing child abuse and maltreatment victims. The social services district is encouraged to train each team member in risk assessment, indicators of child abuse and maltreatment, and appropriate interview techniques.