

# STATE OF NEW YORK

7644--B

## IN SENATE

April 25, 2006

Introduced by Sens. MEIER, SPANO -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services, Children and Families -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the executive law, in relation to child advocacy centers

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

1 Section 1. Subdivision 6 of section 423 of the social services law, as  
2 added by chapter 136 of the laws of 1999, is amended to read as follows:  
3 6. A social services district may establish a multidisciplinary inves-  
4 tigative team or teams and may establish or work as part of a child  
5 advocacy center established pursuant to section four hundred twenty-  
6 three-a of this article, at a local or regional level, for the purpose  
7 of investigating reports of suspected child abuse or maltreatment. The  
8 social services district shall have discretion with regard to the cate-  
9 gory or categories of suspected child abuse or maltreatment such team or  
10 teams may investigate, provided, however, the social services district  
11 shall place particular emphasis on cases involving the serious abuse of  
12 children. For the purposes of this section, a multidisciplinary investi-  
13 gative team [~~may~~] shall include, but is not limited to, representatives  
14 from the child protective service[~~r~~] and the office of the district  
15 attorney or local law enforcement, additional team members may include  
16 the medical profession, public health agencies, mental health agencies,  
17 schools and medical facilities, including hospitals or other appropriate  
18 agencies or institutions and personnel of any existing child advocacy  
19 centers. Notwithstanding any other provision of law to the contrary,  
20 members of a multidisciplinary investigative team or a child advocacy  
21 center may share with other team members client-identifiable information  
22 concerning the child or the child's family to facilitate the investi-  
23 gation of suspected child abuse or maltreatment. Nothing [~~herein~~] in

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

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1 this subdivision shall preclude the creation of multidisciplinary teams  
2 or child advocacy centers which include more than one social services  
3 district. Each team shall develop a written protocol for investigation  
4 of child abuse and maltreatment cases and for interviewing child abuse  
5 and maltreatment victims. The social services district is encouraged to  
6 train each team member in risk assessment, indicators of child abuse and  
7 maltreatment, and appropriate interview techniques.

8 § 2. The social services law is amended by adding a new section 423-a  
9 to read as follows:

10 § 423-a. Child advocacy centers established. 1. The office of chil-  
11 dren and family services shall to the greatest extent practicable facil-  
12 itate the establishment of child advocacy centers in every region of the  
13 state so that child victims of sexual abuse or serious physical abuse  
14 have reasonable access to such a center and so that their cases are  
15 handled in an expert and timely manner, by a coordinated and cooperative  
16 effort that minimizes trauma to the children and their non-offending  
17 family members. Child advocacy centers shall be established by either a  
18 governmental entity or a private, nonprofit incorporated agency and  
19 shall meet the state office of children and family services program  
20 standards for child advocacy centers approval and strive to co-locate  
21 members of the local multi-disciplinary team at the child advocacy  
22 center.

23 2. Child advocacy centers may assist in the investigation of child  
24 abuse and maltreatment cases and shall provide at a minimum for the  
25 following:

26 (a) a comfortable, private setting that is both physically and psycho-  
27 logically safe for children;

28 (b) sound program, fiscal and administrative practices;

29 (c) policies, practices and procedures that are culturally competent;  
30 for the purpose of this paragraph "culturally competent" is defined as  
31 the capacity to function in more than one culture, requiring the ability  
32 to appreciate, understand and interact with members of diverse popu-  
33 lations within the local community;

34 (d) a multidisciplinary investigative team established pursuant to  
35 subdivision six of section four hundred twenty-three of this article;

36 (e) a written set of interagency protocols for an interdisciplinary  
37 and coordinated approach to the investigation of child abuse;

38 (f) forensic interviews to be conducted in a manner which is neutral  
39 and fact-finding and coordinated to avoid duplicative interviewing;

40 (g) specialized medical evaluation and treatment as part of the multi-  
41 disciplinary investigative team response, either at the center or  
42 through coordination with and referral to other appropriate treatment  
43 providers;

44 (h) specialized mental health services as part of the multidiscipli-  
45 nary investigative team response, either at the center or through coor-  
46 dination with and referral to other appropriate treatment providers;

47 (i) victim support and advocacy as part of the multidisciplinary team  
48 investigative team response, either at the center or through coordi-  
49 nation with and referral to other appropriate treatment providers;

50 (j) a routine interdisciplinary case review process for purposes of  
51 decision making, problem solving, systems coordination and information  
52 sharing concerning case status and services needed by the child and  
53 family;

54 (k) a comprehensive tracking system for monitoring case process and  
55 tracking case outcomes for team members; and

56 (l) a process for evaluating its effectiveness and its operation.

1 3. Child advocacy centers may also provide space for medical evalu-  
 2 ation, therapeutic intervention, support services for child abuse  
 3 victims and their families, community education about child abuse, and  
 4 any other services the center deems critical to the provision of service  
 5 to child victims and their families and the multidisciplinary investi-  
 6 gation of abuse allegations.

7 4. Any child advocacy center established prior to the effective date  
 8 of this section shall, within six months of the effective date of this  
 9 section, revise its policies and practices to comply with subdivision  
 10 two of this section. No organization shall refer to itself as a child  
 11 advocacy center unless it complies with this section.

12 5.(a) The files, reports, records, communications, working papers or  
 13 videotaped interviews used or developed in providing services under this  
 14 section are confidential. Provided, however, that disclosure may be  
 15 made to members of a multidisciplinary investigative team who are  
 16 engaged in the investigation of a particular case and who need access to  
 17 the information in order to perform their duties for purposes consistent  
 18 with this section and to other employees of a child advocacy center who  
 19 are involved in tracking cases for the child advocacy center. Disclosure  
 20 shall also be made for the purpose of investigation, prosecution and/or  
 21 adjudication in any relevant court proceeding or, upon written release  
 22 by any non-offending parent, for the purpose of counseling for the child  
 23 victim.

24 (b) Any public or private department, agency or organization may share  
 25 with a child advocacy center information that is made confidential by  
 26 law when it is needed to provide or secure services pursuant to this  
 27 section. Confidential information shared with or provided to a center  
 28 remains the property of the providing organization.

29 (c) The office of children and family services shall have access to  
 30 all records created or maintained by a child advocacy center in order to  
 31 carry out the responsibilities of that office pursuant to this title.

32 § 3. Subdivision 1 of section 642-a of the executive law, as added by  
 33 chapter 263 of the laws of 1986, is amended to read as follows:

34 1. To minimize the number of times a child victim is called upon to  
 35 recite the events of the case and to foster a feeling of trust and  
 36 confidence in the child victim, whenever practicable, a multi-discipli-  
 37 nary team and/or a child advocacy center involving a prosecutor, law  
 38 enforcement agency personnel, and social services agency personnel  
 39 [~~should~~] shall be used for the investigation and prosecution of child  
 40 abuse cases.

41 § 4. This act shall take effect on the one hundred eightieth day after  
 42 it shall have become a law.

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**NEW YORK STATE SENATE**  
**INTRODUCER'S MEMORANDUM IN SUPPORT**  
**submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: S7644B

SPONSOR: MEIER

TITLE OF BILL:

An act to amend the social services law and the executive law, in  
 relation to child advocacy centers

**PURPOSE:**

This bill establishes Child Advocacy Centers (CACs), which investigate and provide services to child victims of sexual abuse or serious physical abuse in a coordinated and cooperative manner by multiple disciplines (child protective services, law enforcement, medical etc.) in order to minimize trauma to the children and their families, in the social services law. It also includes references to the centers in other sections of law that talk about multidisciplinary investigative teams which must be included as part of any Child Advocacy Center.

**SUMMARY OF PROVISIONS:**

Section one of the bill amends section 423 of the Social Services Law paragraph 6 to allow local districts to establish or have their multidisciplinary investigative team work as part of a child advocacy center (CAC). It also clarifies that multidisciplinary investigative teams shall include at least a representative of the local child protective services office and of the district attorney or local law enforcement.

Section two of the bill adds a new section 423-a of the social services law to establish child advocacy centers and sets forth what a CAC should, at a minimum, provide in order to minimize trauma to the child and the family. This would include, but not be limited to a private setting, a multidisciplinary investigative team, a written set of inter-agency protocols, specialized medical evaluation and treatment available, victim support and advocacy, and a comprehensive tracking system. It also provides a time frame for existing CACs to comply with the law and confidentiality measures.

Section three of the bill amends section 642-a of the executive law to include that, whenever practicable, child advocacy centers shall be used for the investigation and prosecution of child abuse cases.

Section four of the bill provides for an effective date 90 days after it shall have become law.

**EXISTING LAW:**

Section 423 of the social services law allows a local social services district to establish a multidisciplinary investigative team, however to date child advocacy centers have only been included in budget appropriation language each year.

**PRIOR LEGISLATIVE HISTORY:**

New legislation.

**JUSTIFICATION:**

This proposal would establish in statute Child Advocacy Centers (CACs). directing the Office of Children and Family Services to facilitate, to the greatest extent practicable, the establishment of such centers in every region of the state. Child Advocacy Centers provide victims of child abuse and their families with a safe environment that is designed to minimize trauma while most effectively investigating the case in a coordinated manner.

Many counties have established multidisciplinary teams which are designed to coordinate the response to child abuse. There are also a number of Child Advocacy Centers, run either by the county for a not-

for-profit agency, already established around the state which include a multidisciplinary team. However, many areas of the state do not have a CAC to serve children who have been sexually or seriously physically abused. This legislation encourages the expansion of CACs around the state and provides a framework for CAGs with a set of minimum requirements.

**FISCAL IMPLICATIONS:**

None. The 2006-07 budget included over \$5.8 million to support multidisciplinary investigative teams, expand existing Child Advocacy Centers, and create new GACs in the state. Additionally, counties can use preventive services matching money to fund some of the CAG costs.

**EFFECTIVE DATE:**

180 days after it shall have become law.

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