

STATE OF NEW YORK

7660--A

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

AN ACT to amend the social services law, in relation to requiring persons and officials required to report suspected child abuse or maltreatment to complete certain ongoing training; to amend the education law, in relation to requiring school superintendents, teachers and certain other licensed professionals to complete training in the reporting of suspected cases of child abuse and maltreatment; and to amend the executive law and the public health law, in relation to child abuse prevention

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

- 1 Section 1. Section 413 of the social services law is amended by adding
2 a new subdivision 1-a to read as follows:
3 1-a. (a) Every person and official required to report child abuse or
4 maltreatment, pursuant to subdivision one of this section, shall, prior
5 to assumption of the position which requires such reporting, complete
6 two hours of coursework or training regarding the identification and
7 reporting of child abuse and maltreatment; provided that every person
8 and official holding such a position on or before the effective date of
9 this paragraph shall complete such coursework or training within one
10 year of the effective date of this subdivision.
11 (b) Every district attorney, assistant district attorney, police offi-
12 cer, peace officer, investigator employed in the office of the district
13 attorney, pediatrician, physician who is employed in an emergency room,
14 registered nurse and registered physician assistant who is employed by a
15 pediatrician or in an emergency room, teacher, child care worker, foster
16 care worker, medical examiner, coroner, preventive services worker,
17 child protective services worker, social worker whose employment
18 involves regular interaction with children, substance abuse and alcohol-

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

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1 ism counselor whose employment involves regular interaction with chil-
2 dren, and mental health professional whose employment involves regular
3 interaction with children required to report child abuse or maltreat-
4 ment, pursuant to subdivision one of this section, shall, not less than
5 once every two years, complete two and one-half hours of coursework or
6 training regarding the identification and reporting of child abuse and
7 maltreatment. Such continuing coursework or training shall, to the
8 greatest extent possible, include advanced training which builds on the
9 initial or earlier coursework required in this subdivision.

10 (c) Except as otherwise provided by the education law, the office of
11 children and family services shall approve and/or establish the course-
12 work and training required to implement the provisions of this subdivi-
13 sion. Such coursework and training may be developed so that it can be
14 offered through various means including, but not limited to, internet
15 based courses and teleconferences.

16 § 2. Subdivision 4 of section 3003 of the education law, as amended by
17 chapter 737 of the laws of 1992, is amended to read as follows:

18 4. Notwithstanding any other provision of law, the commissioner shall
19 require that any person applying[~~, on or after January first, nineteen~~
20 ~~hundred ninety one,~~] for a superintendent's certificate shall, in addi-
21 tion to all the other requirements, have completed two hours of course-
22 work or training regarding the identification and reporting of child
23 abuse and maltreatment, and shall thereafter complete two and one-half
24 additional hours of such coursework or training at least once every
25 period of two years. Such coursework or training shall be provided
26 pursuant to section sixty-five hundred two-a of this chapter as if the
27 superintendent was an applicant for or holder of a license to practice a
28 profession pursuant to title eight of this chapter. The coursework or
29 training shall be obtained from an institution or provider which has
30 been approved by the department to provide such coursework or training.
31 The coursework or training shall include information regarding the phys-
32 ical and behavioral indicators of child abuse and maltreatment and the
33 statutory reporting requirements set out in sections four hundred thir-
34 teen through four hundred twenty of the social services law, including
35 but not limited to, when and how a report must be made, what other
36 actions the reporter is mandated or authorized to take, the legal
37 protections afforded reporters, and the consequences for failing to
38 report. Each applicant shall provide the department with documentation
39 showing that he or she has completed the required training.

40 § 3. Section 3209-a of the education law, as added by chapter 504 of
41 the laws of 1988, is amended to read as follows:

42 § 3209-a. Child abuse prevention. Each school district of the state
43 shall: (1) develop, maintain and disseminate written policies and proce-
44 dures pursuant to title six of article six of the social services law
45 and applicable provisions of article ten of the family court act,
46 regarding the mandatory reporting of child abuse or neglect, reporting
47 procedures and obligations of persons required to report, provisions for
48 taking a child into protective custody, mandatory reporting of deaths,
49 immunity from liability, penalties for failure to report and obligations
50 for the provision of services and procedures necessary to safeguard the
51 life or health of the child; and (2) establish, and implement on an
52 ongoing basis, a training program for all current and new school offi-
53 cials regarding the policies and procedures established pursuant to this
54 section and the signs and symptoms that school officials may be likely
55 to encounter which may indicate the presence of child abuse or maltreat-
56 ment.

1 § 4. Subdivision 2 of section 3004 of the education law, as amended by
2 chapter 737 of the laws of 1992, is amended to read as follows:

3 2. Notwithstanding any other provision of law, the commissioner shall
4 prescribe regulations requiring that all persons applying[~~, on or after~~
5 ~~January first, nineteen hundred ninety-one,~~] for a certificate or
6 license to be a teacher shall, in addition to all the other certif-
7 ication or licensure requirements, have completed two hours of course-
8 work or training regarding the identification and reporting of child
9 abuse and maltreatment, and shall thereafter complete two and one-half
10 additional hours of such coursework or training at least once every
11 period of two years. Such coursework or training shall be provided
12 pursuant to section sixty-five hundred two-a of this chapter as if the
13 teacher was an applicant for or holder of a license to practice a
14 profession pursuant to title eight of this chapter. The coursework or
15 training shall be obtained from an institution or provider which has
16 been approved by the department to provide such coursework or training.
17 The coursework or training shall include information regarding the phys-
18 ical and behavioral indicators of child abuse and maltreatment and the
19 statutory reporting requirements set out in sections four hundred thir-
20 teen through four hundred twenty of the social services law, including
21 but not limited to, when and how a report must be made, what other
22 actions the reporter is mandated or authorized to take, the legal
23 protections afforded reporters, and the consequences for failing to
24 report. Each applicant shall provide the department with documentation
25 showing that he or she has completed the required training.

26 § 5. The closing paragraph of section 3007 of the education law, as
27 amended by chapter 544 of the laws of 1988, is amended to read as
28 follows:

29 Such endorsement confers on the holder of such diploma or certificate
30 the privileges conferred by law on the holder of the diploma of a state
31 teachers college or state college for teachers or state certificate
32 issued in this state. Notwithstanding any other provision of law, the
33 commissioner shall require that any person seeking endorsement of a
34 foreign certificate or diploma[~~, on or after January first, nineteen~~
35 ~~hundred ninety-one,~~] shall have completed two hours of coursework or
36 training regarding the identification and reporting of child abuse and
37 maltreatment, and shall thereafter complete two and one-half additional
38 hours of such coursework or training at least once every period of two
39 years. Such coursework or training shall be provided pursuant to section
40 sixty-five hundred two-a of this chapter as if the teacher was an appli-
41 cant for or holder of a license to practice a profession pursuant to
42 title eight of this chapter. The coursework or training shall be
43 obtained from an institution or provider which has been approved by the
44 department to provide such [~~course work~~] coursework or training. The
45 coursework or training shall include information regarding the physical
46 and behavioral indicators of child abuse and maltreatment and the statu-
47 tory reporting requirements set out in sections four hundred thirteen
48 through four hundred twenty of the social services law, including but
49 not limited to, when and how a report must be made, what other actions
50 the reporter is mandated or authorized to take, the legal protections
51 afforded reporters, and the consequences for failing to report. Each
52 applicant shall provide the department with documentation showing that
53 he or she has completed the required training.

54 § 6. Section 6501 of the education law, as amended by chapter 81 of
55 the laws of 1995, is amended to read as follows:

1 § 6501. Admission to a profession (licensing). Admission to practice
2 of a profession in this state is accomplished by a license being issued
3 to a qualified applicant by the education department. To qualify for a
4 license an applicant shall meet the requirements prescribed in the arti-
5 cle for the particular profession and shall meet the requirements
6 prescribed in section 3-503 of the general obligations law and, where
7 applicable, the requirements of section sixty-five hundred two-a of this
8 subarticle.

9 § 7. Subdivision 1 of section 6502 of the education law, as amended by
10 chapter 599 of the laws of 1996, is amended to read as follows:

11 1. A license shall be valid during the life of the holder unless
12 revoked, annulled or suspended by the board of regents or in the case of
13 physicians, physicians practicing under a limited permit, physician's
14 assistants, specialist's assistants and medical residents, the licensee
15 is stricken from the roster of such licensees by the board of regents on
16 the order of the state board for professional medical conduct in the
17 department of health. A licensee must register with the department and
18 meet the requirements prescribed in section 3-503 of the general obli-
19 gations law and, where applicable, the requirements of section sixty-
20 five hundred two-a of this subarticle to practice in this state.

21 § 8. The education law is amended by adding a new section 6502-a to
22 read as follows:

23 § 6502-a. Mandated reporting of suspected child abuse or maltreatment
24 training. 1. Each applicant for a license to practice a profession
25 pursuant to this title, the practice of which requires the licensee to
26 report suspected cases of child abuse and maltreatment pursuant to
27 section four hundred thirteen of the social services law, shall, prior
28 to being licensed to practice such profession, complete two hours of
29 coursework or training regarding the identification and reporting of
30 child abuse and maltreatment. Every person licensed to practice a
31 profession pursuant to this title prior to the effective date of this
32 section, the practice of which requires the licensee to report suspected
33 cases of child abuse and maltreatment pursuant to section four hundred
34 thirteen of the social services law, shall complete such coursework or
35 training within one year of the effective date of this section.

36 2. Each person required to complete coursework or training pursuant to
37 subdivision one of this section, who is employed or serves in a position
38 listed in paragraph (b) of subdivision one-a of section four hundred
39 thirteen of the social services law, shall thereafter complete an addi-
40 tional two and one-half hours of coursework or training regarding the
41 identification and reporting of child abuse and maltreatment at least
42 once every period of two years. Such continuing coursework or training
43 shall, to the greatest extent possible, include advanced training which
44 builds on the initial or earlier coursework required in this subdivi-
45 sion.

46 3. The department may develop a training curriculum regarding the
47 identification and reporting of child abuse and maltreatment which shall
48 be used to provide the coursework and training required by this section,
49 provided, however, that if the department shall fail to develop such a
50 training curriculum, then the required curriculum for the coursework and
51 training required by this section shall be the training curriculum
52 relating thereto developed by the office of children and family
53 services. Every training curriculum developed by the department pursuant
54 to this subdivision shall be subject to the approval of the office of
55 children and family services. The department shall require every insti-
56 tution and provider of coursework or training pursuant to this section

1 to utilize an approved curriculum. Such coursework and training may be
2 developed so that it can be offered through various means including, but
3 not limited to, internet based courses and teleconferences.

4 § 9. Paragraph a of subdivision 3 of section 6507 of the education
5 law, as amended by chapter 536 of the laws of 2005, is amended to read
6 as follows:

7 a. Establish standards for preprofessional and professional education,
8 experience and licensing examinations as required to implement the arti-
9 cle for each profession. Notwithstanding any other provision of law, the
10 commissioner shall establish standards requiring that all persons apply-
11 ing[~~, on or after January first, nineteen hundred ninety one,~~] initial-
12 ly, or for the renewal of, a license, registration or limited permit to
13 be a physician, chiropractor, dentist, registered nurse, podiatrist,
14 optometrist, psychiatrist, psychologist, licensed master social worker,
15 licensed clinical social worker, licensed creative arts therapist,
16 licensed marriage and family therapist, licensed mental health counse-
17 lor, licensed psychoanalyst, [~~or~~] dental hygienist or any other profes-
18 sion which is required to report cases of suspected child abuse and
19 maltreatment, pursuant to section four hundred thirteen of the social
20 services law, shall, in addition to all the other licensure, certifi-
21 cation or permit requirements, have completed two hours of coursework
22 or training regarding the identification and reporting of child abuse
23 and maltreatment, and if they are listed in paragraph (b) of subdivision
24 one-a of the social services law, shall thereafter complete two and
25 one-half additional hours of such coursework or training at least once
26 every period of two years in accordance with the provisions of section
27 sixty-five hundred two-a of this article. The coursework or training
28 shall be obtained from an institution or provider which has been
29 approved by the department to provide such coursework or training. The
30 coursework or training shall include information regarding the physical
31 and behavioral indicators of child abuse and maltreatment and the statu-
32 tory reporting requirements set out in sections four hundred thirteen
33 through four hundred twenty of the social services law, including but
34 not limited to, when and how a report must be made, what other actions
35 the reporter is mandated or authorized to take, the legal protections
36 afforded reporters, and the consequences for failing to report. Such
37 coursework or training may also include information regarding the phys-
38 ical and behavioral indicators of the abuse of individuals with mental
39 retardation and other developmental disabilities and the statutory
40 reporting requirements set out in subdivision (d) of section 16.19 of
41 the mental hygiene law. Each applicant shall provide the department with
42 documentation showing that he or she has completed the required train-
43 ing. The department shall provide an exemption from the child abuse and
44 maltreatment training requirements to any applicant who requests such an
45 exemption and who shows, to the department's satisfaction, that there
46 would be no need because of the nature of his or her practice for him or
47 her to complete such training;

48 § 10. Section 214-a of the executive law, as added by chapter 504 of
49 the laws of 1988, is amended to read as follows:

50 § 214-a. Child abuse prevention. The superintendent shall, for all
51 members of the state police: (1) develop, maintain and disseminate writ-
52 ten policies and procedures pursuant to title six of article six of the
53 social services law and applicable provisions of article ten of the
54 family court act, regarding the mandatory reporting of child abuse or
55 neglect, reporting procedures and obligations of persons required to
56 report, provisions for taking a child into protective custody, mandatory

1 reporting of deaths, immunity from liability, penalties for failure to
2 report and obligations for the provision of services and procedures
3 necessary to safeguard the life or health of the child; ~~and~~ (2) estab-
4 lish, and implement on an ongoing basis, a training program for all
5 current and new employees regarding the policies and procedures estab-
6 lished pursuant to this section; and (3) establish, and implement on an
7 ongoing basis, a training program for all current and new employees who
8 are likely to come into contact with children in the course of their
9 professional duties, regarding the identification and investigation of
10 child abuse and maltreatment and any protocols that exist regarding
11 investigating suspected incidents of child abuse and maltreatment joint-
12 ly with local departments of social services.

13 § 11. Paragraph (j) of subdivision 1 of section 840 of the executive
14 law, as amended by chapter 617 of the laws of 1990, is amended to read
15 as follows:

16 (j) (1) Development, maintenance and dissemination of written policies
17 and procedures pursuant to title six of article six of the social
18 services law and applicable provisions of article ten of the family
19 court act, regarding the mandatory reporting of child abuse or neglect,
20 reporting procedures and obligations of persons required to report,
21 provisions for taking a child into protective custody, mandatory report-
22 ing of deaths, immunity from liability, penalties for failure to report
23 and obligations for the provision of services and procedures necessary
24 to safeguard the life or health of the child; (2) establishment and
25 implementation on an ongoing basis, of a training program for all
26 current and new police officers regarding the policies and procedures
27 established pursuant to this paragraph and the identification and inves-
28 tigation of child abuse and maltreatment and any protocols that exist
29 regarding investigating suspected incidents of child abuse and maltreat-
30 ment jointly with local departments of social services; and (3) estab-
31 lishment of a training program for police officers whose main responsi-
32 bilities are juveniles and the laws pertaining thereto, which training
33 program shall be successfully completed before such officers are accred-
34 ited pursuant to section eight hundred forty-six-h of this chapter.

35 § 12. Section 2805-n of the public health law, as added by chapter 504
36 of the laws of 1988, is amended to read as follows:

37 § 2805-n. Child abuse prevention. All hospitals shall: (i) develop,
38 maintain and disseminate written policies and procedures pursuant to
39 title six of article six of the social services law and applicable
40 provisions of article ten of the family court act, regarding the manda-
41 tory reporting of child abuse or neglect, reporting procedures and obli-
42 gations of persons required to report, provisions for taking a child
43 into protective custody, mandatory reporting of deaths, immunity from
44 liability, penalties for failure to report and obligations for the
45 provision of services and procedures necessary to safeguard the life or
46 health of the child; ~~and~~ (ii) establish, and implement on an ongoing
47 basis, a training program for all current and new employees regarding
48 the policies and procedures established pursuant to this section; and
49 (iii) establish and implement, on an ongoing basis, a training program
50 for all current and new employees who regularly assess injuries in chil-
51 dren regarding the identification of child abuse and maltreatment.

52 § 13. This act shall take effect on the one hundred twentieth day
53 after it shall have become a law, provided that the promulgation, amend-
54 ment and/or repeal of any rule or regulation necessary to implement the
55 provisions of this act on its effective date is authorized and directed
56 to be completed on or before such date.

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

BILL NUMBER: S7660A

SPONSOR: MEIER

TITLE OF BILL:

An act to amend the social services law, in relation to requiring persons and officials required to report suspected child abuse or maltreatment to complete certain ongoing training; to amend the education law, in relation to requiring school superintendents, teachers and certain other licensed professionals to complete training in the reporting of suspected cases of child abuse and maltreatment; and to amend the executive law and the public health law, in relation to child abuse prevention

PURPOSE:

This bill would require certain persons mandated to report child abuse or maltreatment to complete two hours of course work or training regarding the identification and reporting of child abuse and maltreatment prior to assuming a position which would require such reporting. It would also require two and a half hours of continuing education on child abuse and maltreatment every two years after initial licensing.

SUMMARY OF PROVISIONS:

Section 1 of the bill amends section 413 of the social services law to require persons mandated to report child abuse or maltreatment to complete two hours of course work or training regarding the identification and reporting of child abuse and maltreatment prior to assuming a position which would require such reporting. It would also require two and a half hours of continuing education on child abuse and maltreatment every two years after initial licensing for those mandated reporters whose employment involves regular interaction with children. It also requires OCFs to establish the course work and training required.

Section 2 of the bill amends section 3003 of the education law to require persons applying for a superintendent's and teacher's certificate to complete two and a half additional hours of course work or training at least once every two years on child abuse and maltreatment.

Sections 3 & 4 of the bill amend section 3209-a and 3004 of the education law to have the existing school district training program for school officials regarding child abuse include the signs and symptoms that may indicate the presence of abuse or maltreatment and teachers shall complete two and a half additional hours of course work on child abuse every two years.

Section 5 of the bill amends section 3007 of the education law to require persons seeking endorsement of a foreign teachers certificate or diploma to complete two and a half additional hours of course work or training at least once every two years on child abuse and maltreatment.

Sections 6 and 7 of the bill amend sections 6501 and 6502 of the education law to require persons seeking admission to practice a profession in New York, who are mandated reporters, to fulfill the requirements of mandated reporters (section 6502-a of the education law).

Section 8 of the bill creates a new section 6502-a of the education law to set forth the training requirements for those licensed under the education law who are also mandated reporters, including two hours prior to licensing and, for those whose employment involves regular interaction with children, two and a half hours every two years thereafter. It also allows the Department of Education to develop a training curriculum regarding the identification and reporting of child abuse and maltreatment, but provides that such training curriculum shall be approved by the Office of Children and Family Services and that, shall the Education Department fail to establish a curriculum they shall use the OCFS curriculum.

Section 9 of the bill provides the same educational and continuing education requirements for those professional specifically named in section 6507 of the education law.

Section 10 of the bill amends section 214-a of the executive law to require the superintendent of police to establish and implement a training program on the identification of abuse and maltreatment and any protocols that exist regarding investigating child abuse for employees who in the course of their work come in contact with children.

Section 11 of the bill amends section 840 of the executive law and provides that training for police offices on child abuse shall include the identification of abuse and any protocols that exist regarding investigation.

Section 12 of the bill amends section 2805-n of the public health law to include among hospital child abuse prevention measures the establishment and implementation of training program for employees who regularly assess injuries in children regarding the identification of abuse and maltreatment.

Section 13 of the bill provides for an effective date 120 days after it shall have become law.

JUSTIFICATION:

Mandated reporters constitute a first line of defense against child abuse and maltreatment. Intervention is only possible after identification of abuse and/or maltreatment and it is important that those identifications are as accurate as possible. Effective reporting practices require repeated exposure to knowledge of child abuse and maltreatment. For this reason, it is imperative that a comprehensive training regimen be established for mandated reporters and that a continuing education requirement is also established.

LEGISLATIVE HISTORY:

New bill.

FISCAL IMPLICATIONS:

To be determined, however the 2006-07 budget includes consideration funds to provide training for child abuse and maltreatment.

EFFECTIVE DATE:

120 days after this measure has been enacted into law.
