

2006 LEGISLATIVE SESSION

Child Protective Services

Chapter 460 of the Laws of 2006 (S.5392-B/A.11582-B) *Termination Parental Rights for Homicide*

Authorizes the institution of a termination of parental rights proceeding (TPR) against a person who is convicted of homicide where the victim is another child for whom the person is legally responsible or another parent of the child. The legislation provides a possible exception to the TPR requirement for a homicide where the parent was a victim of domestic violence. **Effective November 14, 2006.**

Chapter 485 of the Laws of 2006 (S.6703-B/A.10023-B) *Child Fatality Review Teams*

Expands the purview, role and composition of child fatality review teams (CFRT). In addition to investigating the death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency or whose death was reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR), a CFRT or OCFS where there is no existing local or regional CFRT, also would be required to investigate the fatality of any child for whom the social services district has an open child protective or preventive case. A CFRT also has permissive authority to investigate any unexplained or unexpected death of a child. Expands the required members of a CFRT to include local health officials, the coroner or medical examiner, the county attorney's office, the district attorney's office, and local and State law enforcement. The applicable time frames for receipt of a coroner's report on all such fatalities within the purview of the CFRT or OCFS are also tightened. **Effective December 14, 2006.**

Chapter 494 of the Laws of 2006 (S.7042-A/A.11854) *Dual Investigation*

Requires a local child protective services (CPS) to provide notice to and jointly investigate with law enforcement, where a report of suspected child abuse or maltreatment alleges physical abuse, sexual abuse or death of a child. The new law

requires CPS to also must consider whether notice to law enforcement also should be made where a report made by a mandated reporter alleges physical harm to a child and two other pending or indicated SCR reports were made in the previous six months involving the same child, a sibling or another child in the same household. CPS are required to jointly investigate these SCR reports with their multi-disciplinary team (MDT) or with law enforcement in counties without a MDT. The law permits CPS and law enforcement to develop local protocols on joint investigation of SCR reports. Such local protocols must be approved by OCFS. **Effective December 14, 2006.**

Chapter 516 of the Laws of 2006 (S.7643-A/A.11636-A) *CHAMP*

Adds a new section 422-c to the Social Services Law (SSL) requiring OCFS to contract with the Upstate Medical Center at the State University of New York in Syracuse for a child abuse medical provider program (CHAMP) designed to improve access to quality medical services for child abuse victims. CHAMP provides information, training and mentoring on child abuse and maltreatment identification and treatment to mandated reporters in medical professions. **Effective August 16, 2006.**

Chapter 517 of the Laws of 2006 (S.7644-B/A.11188-A) *Child Advocacy Centers*

Adds new SSL §423-a establishing child advocacy centers (CACs) to deal with the cases of child victims of sexual abuse and serious physical abuse. CACs must meet the minimum standards established in SSL §423-a. Requires OCFS to facilitate the creation of CACs in every region of NYS. **Effective February 12, 2007.**

Chapter 525 of the Laws of 2006 (S.7816-A/A.11574) *Child Protective Service Supervisors Qualifications & Training for Caseworkers and Supervisors*

Establishes minimum qualifications and training requirements for CPS supervisors. Current CPS supervisors must be trained within a year of the effective date of the legislation. Newly appointed CPS supervisors must complete the training at the time of their appointment. Establishes on-going annual training requirements for all CPS workers. **Effective November 14, 2006.**

Chapter 539 of the Laws of 2006 (S.8131/A.11635) *Child Abuse Public Information Campaign*

Requires OCFS, to the extent that appropriations are made available therefor, to conduct a public information campaign emphasizing zero tolerance for child abuse. The public information campaign must include information about the signs of child abuse and maltreatment, the child abuse hotline and the services that are available to help at risk families. **Effective August 16, 2006.**

Chapter 543 of the Laws of 2006 (S.8183/A.11571-A) *Educational Neglect Reports*

Requires OCFS, in conjunction with SED, to develop model policies and practices for LDSS and school districts regarding reporting and investigation of educational neglect. OCFS and SED must post the model policies and practices on their respective web sites by September 1, 2007. Each LDSS, in conjunction with school districts located within that county, must develop policies and procedures for reporting and investigating educational neglect based on the OCFS/SED model policies and practices. The LDSS must submit their policies and procedures to OCFS for review by January 1, 2008. OCFS must approve or disapprove the proposed policies and procedures within 60 days of receipt. **Effective August 16, 2006.**

Chapter 632 of the Laws of 2006 (A.11666 /S.8082) *Hospital Protocols - Child's Death*

Requires the Department of Health (DOH) to establish protocols for medical review of unnatural child deaths at a hospital or while the child is being transported to a hospital. The protocols must include reporting appropriate cases to the SCR and law enforcement. DOH is required to consult with OCFS, local departments of social services (LDSS), child fatality review team coordinators, law enforcement and appropriate medical experts when developing the protocols. **Effective August 16, 2006.**

Veto No. 399 of 2006 (S.7660-A/A.11151-A) *Mandated Reporter Training*

Would have required all mandated reporters to complete two hours of training on identification and reporting of child abuse and maltreatment prior to the assumption of a position or employment that requires such reporting. Requires on-going biennial training for certain mandated reporters. Would have required OCFS to develop a training curriculum which could be offered on the internet and through teleconferences. Authorized the State Education Department (SED) to develop a curriculum for mandated reporters in professions licensed by SED, subject to OCFS approval.

Chapter XXX of the Laws of 2006 (S.8344/A.11582-A) *Child Protective Services Access Warrants*

Enables a CPS which is unable to locate or is denied access to a child who is the subject of a report, to obtain a warrant permitting immediate access where the CPS has reason to believe the life or health of the child is endangered. The CPS may contact law enforcement to accompany the CPS and enforce the warrant. Such warrant may be obtained prior to the filing of the petition initiating a child protective proceeding. **Effective January 18, 2007.**

Foster Care and Adoption

Chapter 185 of the Laws of 2006 (S.7888/A.8655-A) *One Family, One Judge*

Provides that any subsequent proceeding involving the surrender, termination of parental rights (TPR) or adoption of a child in foster care pursuant to FCA Article 10 or 10-A or SSL §358-a be field in the court that originally exercised jurisdiction over the child protective or voluntary placement case regarding the child, and, whenever practicable, to the same judge who presided at previous court appearances be assigned. Provides a process to permit the court of original jurisdiction to determine whether to exercise jurisdiction over the case where a TPR or adoption petition is filed in a court other than the court or jurisdiction that presided over the prior proceeding(s). **Effective October 24, 2006.**

Chapter 372 of the Laws of 2006 (S.7419-A/A.11570) *Dual Representation*

Prohibits an attorney or law firm from providing legal services in an adoption proceeding both to an authorized agency directly or indirectly involved in the adoption and the adoptive or birth parent(s). **Effective June 1, 2007.**

Chapter 437 of the Laws of 2006 (S.8435/A.11792-A) *Permanency Bill Technical Amendments*

Technically amends provisions enacted by Chapter 3 of the Laws of 2005 also known as the Permanency Bill. Clarifies timeframes for permanency hearings in cases involving a SSL §358-a voluntary placement and for a suspended judgment that has been satisfied under Family Court Act (FCA) §633. Amends FCA §1089 to require setting the date certain for the permanency hearing for a child who is entering foster care to coincide with the previously established date certain of a sibling or half-sibling who is currently in foster care unless the sibling or half-sibling entered foster care under FCA Article 3 or 7. Clarifies that if a child entering foster care already has a sibling or half-sibling for whom assessments and services plans are being developed under SSL §409-e, the schedule for assessments and services plans for the new child are to be the same as the existing schedule for the child's sibling or half-sibling unless the child is in the sole custody of OCFS. Requires that permanency hearings must be completed within 30 dates of the date certain set for the hearing and not, as currently required, within 30 days of the commencement of the permanency hearing. Amends the notification provisions of FCA §1089 to dispense with notification to the birth parent where the parental rights of the birth parent have been terminated or surrendered, and to permit the court to dispense with notification to a former foster parent where the court determines it is in the best interests of the child. Expands the persons who would be entitled to the appointment of counsel on the basis of being indigent to include the parent, foster parent and other person with physical or legal custody of a child involved in an abuse or neglect proceedings under FCA Article 10 or a permanency hearing under FCA Article 10-A. Amends FCA §§1055 and 1089 to clarify when a foster child may be finally discharged from care without an additional permanency hearing. It also authorizes the placement of a foster child on trial discharge with a parent or other

potential permanency resource between permanency hearings, unless a court order precludes trial discharge. Amends post-adoption contact provisions in Domestic Relations Law §112-b to clarify that the approval of a post-adoption contact agreement based upon the best interests of the child must be done at the time of the approval of the surrender by the judge approving the surrender. Restores provisions that were inadvertently deleted by Chapter 3, such as provisions in FCA §1055 that required the placement order to include a description of the visitation plan, and a requirement that the respondent parents are notified of planning conferences and their right to attend the conferences. **Effective July 26, 2006.**

Chapter 508 of the Laws of 2006 (S.7429/A.10804) ***DASNY Bond Cap*** Increases from \$30 million to \$60 million the bonding authority for Dormitory Authority of the State of New York (DASNY) financing of construction and renovation of residential programs for children. This bonding authority was enacted as Chapter 472 of the Laws of 2004. **Effective 8/16/06.**

Chapter 518 of the Laws of 2006 (S.7659-A/A.11725-A) ***Continued Adoption Subsidy***

Permits continued payment of an adoption subsidy to age 21 where the parents of an eligible child die after the child's 18th birthday. Permits appointment of a guardian for a child over the age of 18 or a representative payee to receive the adoption subsidy payment on behalf of the child. Provides the child with the right to a fair hearing pertaining to the certification of a representative payee. **Effective August 16, 2006, retroactive application.**

Chapter 624 of the Laws of 2006 (A.11055-A/S.7616-A) ***Restraint and Crisis Intervention***

Establishes a restraint and crisis intervention technique committee within the Council on Children and Families (CCF). The committee must identify the most effective, least restrictive and safest behavior modification techniques for children residing in enumerated residential programs for children. The listed programs are agency-

operated boarding homes, which are regulated by OCFS, and other specified programs regulated by the Department of Mental Hygiene and SED. The committee must establish coordinated standards for the residential programs for children and issue a report with its recommendations and draft regulations by September 1, 2007. **Effective December 14, 2006.**

Chapter 668 of the Laws of 2006 (S.6681/A.10144) *FBI Checks*

Requires that prospective foster and adoptive parents as well as persons over 18 years of age currently residing in the homes of such prospective parents be screened against the Federal Bureau of Investigation (FBI) criminal history data base in addition to the New York State Division of Criminal Justice Services' (DCJS) data base. OCFS would process the fingerprints and rap sheets and pay the processing fee for the FBI checks as it does for DCJS criminal history background checks. **Effective January 11, 2007.**

Adult Protective

Chapter 317 of the Laws of 2006 (S.5804/A.11699) *Ombudsman Posters*

Requires all family type homes for adults to display a poster regarding the long term care ombudsman in the main entrance to the program or other area where notices to residents are commonly displayed. **Effective July 26, 2006.**

Chapter 356 of the Laws of 2006 (S.7169-A/A.10130-A) *OMR Reports of Abuse*

Amends Chapter 536 of the Laws of 2005 to require the Office of Mental Retardation and Developmental Disabilities (OMR) to intervene where the Commissioner receives a report of abuse involving a person with a mental disability who is receiving services in an OMR authorized program. The Commissioner is required to refer any other report of adult abuse to the local adult protective services office. Requires annual reports to the Legislature on adult abuse reports. **Effective July 26, 2006, retroactive to February 12, 2006.**

Preventive Services

Chapter 459 of the Laws of 2006 (S.5071-B/A.7326-D) ***Safe Mentoring*** Enacts a “Safe mentoring” program enabling mentoring programs to conduct criminal history reviews through DCJS of prospective employees and mentoring volunteers who may have unsupervised contact with children. OCFS must process the fingerprints and criminal history records through DCJS on behalf of the mentoring programs. The mentoring programs pay the processing fees. Mentoring programs must establish policies on using individuals with criminal convictions. Permits a parent to authorize a mentor with a criminal history to work with his or her child except where the conviction is for a sex offense or crime against a child. **Effective April 1, 2007.**

Child Day Care

Chapter 189 of the Laws of 2006 (A.8761-B/S.8341-A) ***Vaccinations for Child Day Care***

Adds pneumococcal disease to those diseases against which parents must immunize their children prior to admission to day care agencies and other enumerated programs that serve children under the age of two. **Effective July 26, 2006, applicable to children born on or after January 1, 2008.**

Chapter 319 of the Laws of 2006 (S.6008/A.10650) ***Family Day Care Home Taxes***

Prohibits localities from imposing a higher assessment for real property tax purposes on a residence used as a family day care home, than if the property were not used as a family day care home. Does not apply to group family care homes. **Effective July 26, 2006, applies to tax rolls as of January 1, 2007.**

Veto No. 215 of 2006* (S.6758/A.10060) ***Unionization of Home Based Day Care***

Would have deemed in-home child day care providers who provide subsidized child day care to be state employees for the purposes of union representation under the Public Employees Fair Employment Act and the New York State Labor Relations Act.

*Effective immediately. *6/23/06 veto overridden by the Senate, sent to the Assembly where it is pending action.*

Orders of Protection

Chapter 253 of the Laws of 2006 (A.10767-A/S.7691-A) *Animals in Orders of Protection*

Adds as a permissible condition of an order of protection a requirement that the respondent refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household. **Effective July 26, 2006.**

Governmental Agencies

Chapter 182 of the Laws of 2006 (A.7993-B/S.5668-A) *Electronic FOIL Requests*

Requires the Committee on Open Government to develop a form for FOIL requests and to make the form available on the Internet. Governmental entities subject to FOIL must accept FOIL requests submitted by e-mail and respond by e-mail, unless a response in another format is requested. **Effective October 24, 2006.**

Chapter 492 of the Laws of 2006 (S.7011-A/A.11854) *FOIL Litigation Costs*

Provides that the court may grant attorney's fees and other reasonable litigation costs where a person denied access under FOIL substantially prevails in an Article 78 proceeding and the agency either had no reasonable basis for denying access to the records or failed to respond to the FOIL request or appeal within the statutory timeframe. **Effective August 16, 2006.**

Public Employees

Chapter 82 of the Laws of 2006 (S.6441/A9691) **Workplace Violence** Requires public employers to develop and implement written plans to prevent workplace violence based on an evaluation of risk factors present in the workplace. “Workplace” is defined as any location where a public employee performs work-related duties, except the employee’s own home. Employers must provide employees with information on the workplace violence prevention program. Employers must train employees upon initial assignment and annually thereafter on the risks of occupational assault and homicides in the workplace. Employees and employee organizations may bring alleged violations of the employer’s workplace violence prevention program to the attention of the Department of Labor. Effective October 5, 2006. (Chapter 542 of 2006 [S.8159/A.11775] delays the effective date of Chapter 82 until **March 4, 2007**)

S.6629-A/A.9822-A (Spano/John) **OMR Quality of Care Act**

Requires not-for-profit agencies that receive at least 50 percent of their funding from OMR to provide services to the mentally retarded and developmentally disabled, to pay their direct care employees at the rate of pay received by OMR direct care employees, and to make equivalent health care and pension expenditures. The legislation appropriates \$25 million to OMR for improved recruitment and retention of direct care staff and for wage enhancements. *Effective 180 days after signature by the Governor.*

Criminal Justice

Chapter 1 of the Laws of 2006 (S.6409/A.9472 Skelos/Aubry) **Duration of Sex Offender Registration**

Increases from ten to 20 years the duration of sex offender registration requirements for level one sex offenders, adds level two sex offenders to provisions applicable to level three sex offenders requiring registration for life. **Effective January 18, 2006.**

Chapter 3 of the Laws of 2006 (S.8441/A.12012) **Statute of Limitations Sex Offenses**

Eliminates the criminal statute of limitations for the class A felonies of rape in the first degree criminal sexual act in the first degree, aggravated sexual abuse or course of sexual conduct against a child in the first degree. The victim of such a sexual offense has at least five years after the termination of a criminal action against the defendant to bring a civil lawsuit against the defendant. **Effective June 26, 2006**, applicable to offenses committed on or after the effective date, and to civil actions not barred by the statute of limitations on the effective date.

Chapter 96 of the Laws of 2006 (S.7277/A.10778) *Sex Offender Notification*

Substitutes the Division of Parole for the Department of Correctional Services (DOCS) in requiring 30 days advance notice to the local social services district in the county where a level two or three sex offender expects to reside, where the offender is likely to seek access to services for homeless persons. **Effective as of October 1, 2005.**

Chapter 106 of the Laws of 2006 (A.8370-A/S.8457) *Sex Offender Registration Information*

Permits law enforcement to disseminate to vulnerable organizations such as child day care centers, information about level one sex offenders in the area as well as level two and three sex offenders. Expands the subdirectory of sex offenders posted on the website of the Division of Criminal Justice Services (DCJS) to include information about level two sex offenders in addition to level three sex offenders. **Effective June 23, 2006.**

Chapter 107 of the Laws of 2006 (A.8939-A/S.8459) *Predatory Sex Offenses*

Establishes the crimes of predatory sexual assault and predatory sexual assault against a child as class A-II felonies requiring registration as a sex offender and a minimum sentence of imprisonment of not less than ten years to life and a maximum sentence of 25 years to life. These offenses are not added to those that are juvenile offender offenses. **Effective June 26, 2006.**

Chapter 110 of the Laws of 2006 (S.7008/A.10539) ***Cynthia's Law*** Toughens the criminal penalties for recklessly causing a serious injury to the brain of a child less than five years old by shaking, slamming or throwing the child. The bill also requires the Department of Health (DOH) to develop and implement a public information and educational campaign on Shaken Baby Syndrome to inform the general public about the risk of brain injuries and the other harmful effects of shaking infants and children under the age of five. **Effective November 1, 2006**

Chapter 320 of the Laws of 2006 (S.6277-B/A.9305-B) ***Incest Offenses*** Establishes the crimes of incest in the first, second or third degree as separate criminal offenses depending on the severity and nature of the underlying sexual offense. Incest in the third degree is a class E felony, incest in the second degree is a class D felony, and incest in the first degree is a class B felony. All three offenses require registration as a sex offender. **Effective November 1, 2006.**

Chapter 436 of the Laws of 2006 (S.8431/A.5533-A) ***Sale of Controlled Substance on a School Bus***

Includes school buses in provisions that penalize more severely the criminal sale of a controlled substance occurring on or near school grounds. **Effective September 1, 2006.**

Chapter 564 of the Laws of 2006 (A.2833/S.1787) ***Use of Child in Controlled Substance Offense***

Criminalizes the act of using a child under the age of 16 by a person over the age of 18 to commit a controlled substance offense. Use of a child to commit a controlled substance offense is a class E felony. **Effective November 1, 2006.**

Chapter 647 of the Laws of 2006 (S.1626-A/A.5058-A) ***District Attorney Notification***

Requires the district attorney, upon the conviction of a person legally responsible for a child of an enumerated crime against such child, to notify the local child protective

services of the conviction, the name of the defendant, the name of the child and the name of the prosecutor. **Effective October 13, 2006.**

Educational Services

Chapter 177 of the Laws of 2006 (A.6832/S.4088-B)

Requires the State Education Department (SED) to include information on the Shaken Baby Syndrome in the curriculum for parenting and child development courses offered in secondary schools. **Effective September 1, 2007.**

Child Protective Bills

Chapter 494 - Dual Investigation: Effective 12/14/06

- Requires the local child protective service (CPS) to provide notice to law enforcement and also jointly investigate with its multi-disciplinary team (MDT) or law enforcement in counties without a MDT, a SCR report alleging physical abuse, sexual abuse or death of a child

Chapter 494 - Dual Investigation: Effective 12/14/06

- Requires CPS to also make an assessment of whether notice to law enforcement should be made where a report made by a mandated reporter alleges physical harm to a child
AND
- Two other pending or indicated SCR reports were made in the past 6 months involving either the same subject, child, sibling, or another child in the same household

Chapter 517- Child Advocacy Centers: Effective 2/12/07

- Establishes Child Advocacy Centers (CACs) to deal with child victims of sexual and serious physical abuse
- CACs must meet minimum standards established by SSL §423-a
- Requires OCFS to facilitate the creation of CACs in every region of NYS

Chapter 485 - Child Fatality Review Teams: Effective 12/14/06

- OCFS will be required to investigate and issue a report on the fatality of any child for whom the LDSS has an open child protective or preventive services case. Where there is a local CFRT that issues reports, this role could be assumed by the local CFRT

Chapter 485 - Child Fatality Review Teams: Effective 12/14/06

- CFRT also has permissive authority to investigate any unexplained or unexpected death of a child
- Expands the required members of a CFRT to include local health officials, the coroner or medical examiner, county attorney, state police and both district attorney and local law enforcement

Chapter 525 - CPS Training :
Effective 11/14/06

- Establishes minimum qualifications and training requirements for CPS supervisors
- Current CPS supervisors must be trained within a year of the effective date, and new supervisors must complete training upon appointment
- Establishes on-going annual training requirements for all CPS supervisors and workers

CPS Supervisor Qualifications

- Law Requires OCFS to consult with counties and then promulgate minimum qualifications – intent was to strengthen qualifications
- Surveys sent to all districts in October requesting input
- Survey results indicate a consensus that qualifications should include a combination of bachelor's degree or equivalent and relevant experience

CPS Supervisor Qualifications

- OCFS will be publishing regulations shortly, districts will have an opportunity for formal comment.

New CPS Supervisory Training

- Reconfigure Existing Supervisory Core (10 days) into two separate modules
- Module I (5 days) on "supervisory effectiveness" skills
- Module II (5 days) specialized supervisory training for CPS Supervisors, separate 5 day program for other child welfare supervisors
- Module 1 pilot November 2005
- Module 2 Pilot January 2007
- All Supervisors to be trained by November 2007

Training Path and Timeframes

- All CPS Supervisors must have had Common Core (or Core Essentials or Supervisory Core) and CPS specialty training
- CPS supervisors who have had Supervisory Core, will need only Module 2
- New CPS Supervisors and those without Supervisory Core will need both Modules 1 and 2

Mandated In-Service CPS Training

- All CPS Workers and Supervisors need minimum of 6 hours of in-service training each year
- Currently available OCFS advanced courses for CPS (Medical Issues, Sexual Abuse Interviewing, Legal Issues, On-Call etc)

Mandated In-Service CPS Training

- New courses
 - Critical Thinking for CPS Supervisors
 - Risk and Safety Refresher Training for CPS workers
 - District specific courses through Regional Offices and Social Work Education Consortium
- New “Professional Development” programs to be developed by Schools of Social Work under SWEC.

Chapter 516- CHAMP : Effective 8/16/06

- Requires OCFS to contract with Upstate Medical Center at SUNY in Syracuse for a child abuse medical provider program (CHAMP) designed to provide information, training and mentoring on child abuse and maltreatment identification and treatment to mandated reporters in medical professions

Chapter 539- Child Abuse Public Information Campaign : Effective 8/16/06

- Requires OCFS to conduct a public information campaign emphasizing zero tolerance for child abuse

Chapter 543- Educational Neglect Reports : Effective 8/16/06

- Requires OCFS and SED to develop model practices and procedures for LDSS and school districts regarding reporting and investigation of educational neglect
- OCFS and SED must post model practices and procedures on their respective websites by 9/1/07

Chapter 543- Educational Neglect Reports : Effective 8/16/06

- Each LDSS and the school districts in that county must develop policies and procedures based on the OCFS/SED model practices and procedures
- Every LDSS must submit their policies and procedures to OCFS for review by 1/1/08
- OCFS has 60 days to approve or disapprove

Chapter ???- CPS Access Warrants : Effective 1/18/07

- Establishes procedures for a CPS when unable to locate a child or denied access to a child named in a report to obtain a court order permitting immediate access where CPS has cause to believe the child’s health or life is endangered
- CPS may contact law enforcement to accompany them and enforce the order

Chapter ???- CPS Access Warrants :
Effective 1/18/07

- Procedure available pre-petition
- Requires that there be 24-hour a day access to family court to obtain the order

Criminal Justice Bills

Chapter 647- District Attorney Notification :
Effective 10/13/06

- Requires the district attorney, upon the conviction of a person legally responsible for a child of an enumerated crime against such child, to notify the local CPS of:
 - The conviction
 - The name of the defendant
 - The name of the child
 - The name of the prosecutor

Chapter 96- Sex Offender Notification:
Effective as of 10/1/05

- Substitutes the Division of Parole for the Department of Correctional Services as the agency responsible for providing 30 days advanced notice to the LDSS in the county where a Level 2 or 3 sex offender expects to reside, where the offender is likely to seek access to services for homeless persons

Sex Offender Registry:
weblink

<http://www.criminaljustice.state.ny.us/nsor/index.htm>

NEW YORK STATE
Division of Criminal Justice Services
ENHANCING PUBLIC SAFETY AND IMPROVING CRIMINAL JUSTICE

New York State Sex Offender Registry and the Sex Offender Registration Act (SORA)
1-800-262-3257

Welcome to the New York State Sex Offender Registry information center. The purpose of this site is to provide an overview of the sex offender registration law and how the public can obtain information about sex offenders. The Sex Offender Registration Act, New York's version of Megan's Law, was signed by Governor George E. Pataki in July 1995 and became effective on January 22, 1996. The text of the statute is contained in Correction Law Article 6-C (Section 160 et seq.).

How to Use the Registry

Registered sex offenders in New York are classified by the risk of reoffense. A court determines whether an offender is a level 1 (low risk), 2 (moderate risk) or 3 (high risk). The court also determines whether an offender should be given the designation of a sexual predator, sexually violent offender or predatory sex offender. Offenders are required to be registered for 25 years or life. Level 1 offenders with no designation must register for twenty years. Level 1 offenders with a designation must register for life.

There are 4 ways to obtain information about sex offenders in New York State*.

1. You can call 1-800-262-3257 to determine if someone is on the Registry. You will need the name of the offender and one of the following: an exact address, a complete date of birth, a driver's license number or a social security number. Read more on the 800 Information Line.
2. You can access the Subscribers on the web site by clicking on the "Search Subscribers" button. You can search for level 2 and level 3 offenders by name, county or city code. Please note that a Federal court injunction currently prohibits the release of information on this web site concerning sex offenders who committed their crime prior to January 22, 1996 and were assigned a risk level prior to January 1, 2000 unless they have had an opportunity for a risk assessment.

**Chapter 106- Sex Offender
Registration Information:
Effective 6/23/06**

- Permits law enforcement to disseminate to vulnerable organizations such as child day care centers, information about level one sex offenders in the area in addition to information regarding level two and three sex offenders.
- Expands the subdirectory of sex offenders posted on DCJS website to include information about level two sex offenders in addition to level three sex offenders

**Chapter 1- Duration of
Sex Offender Registration:
Effective 1/18/06**

- Increases from 10 to 20 years the duration of sex offender registration requirements for level one sex offenders
- Requires level two sex offenders to register for life
- Eliminates the opportunity to petition for relief from registration for level three sex offenders, sexual predators, sexually violent offenders and predicate sex offenders

**Chapter 110- Cynthia's Law:
Effective 11/1/06**

- Toughens criminal penalties for recklessly causing a serious injury to the brain of a child less than 5 years old by shaking, slamming or throwing the child
- Requires DOH to develop and implement a public information and educational campaign on Shaken Baby Syndrome

**Foster and Adoptive
Bills**

**Chapter 437:
Permanency Bill Technical Amendments:
Effective 7/26/06**

- Requires the date certain for the initial permanency hearing for a child entering foster care to be scheduled on the previously established date certain for a sibling in foster care
- Not required if the sibling entered foster care under FCA Article 3 or 7

**Chapter 437:
Permanency Bill Technical Amendments:
Effective 7/26/06**

- Requires permanency hearings to be completed within 30 days of the date certain set for the hearing

**Chapter 437:
Permanency Bill Technical Amendments:
Effective 7/26/06**

- Amends the notification provisions of FCA §1089 to dispense with notification to the birth parent where the parental rights of the birth parents have been terminated or surrendered
- Permits the court to dispense with the notification to a former foster parent where the court determines it is in the best interests of the child

**Chapter 437:
Permanency Bill Technical Amendments:
Effective 7/26/06**

- Amends FCA §§1055 and 1089 to clarify when a foster child may be finally discharged from care prior to the next scheduled permanency hearing
- Authorizes trial discharge of a child with a parent or other potential permanency resource before the next scheduled permanency hearing, unless a court order precludes trial discharge

**Chapter 437:
Permanency Bill Technical Amendments:
Effective 7/26/06**

- Restores provisions that were inadvertently deleted by Chapter 3, such as provisions in FCA §1055 that required the placement order to include a description of the visitation plan, and a requirement that the respondent parents are notified of planning conferences and their right to attend

**Chapter 185- One Family, One Judge:
Effective 10/24/06**

- Provides that any subsequent proceeding involving the surrender, termination of parental rights (TPR) or adoption of a child in foster care, pursuant to FCA Article 10 or SSL 358-a be filed in the court that originally exercised jurisdiction over the child, and wherever practicable, to the same judge who presided at previous court appearances be assigned

**Chapter 185- One Family, One Judge:
Effective 10/24/06**

- Provides a process to permit the court of original jurisdiction to determine whether to exercise jurisdiction over the case where a TPR or adoption petition is filed in a court other than the court or jurisdiction that presided over the prior proceeding(s)

**Chapter 372- Dual Representation:
Effective 6/1/07**

- Prohibits an attorney or law firm from providing legal services in an adoption proceeding to both an authorized agency directly or indirectly involved in the adoption and the adoptive or birth parent(s)

**Chapter 460- Termination Parental Rights
for Homicide:**

Effective 11/14/06

- Authorizes the institution of a TPR proceeding against a person who is convicted of homicide where the victim was:
 - another child for whom the person was legally responsible or
 - another parent of the child
- Possible exception to the TPR requirement for homicide of another parent where the convicted parent was a victim of domestic violence

**Chapter 518-
Continued Adoption Subsidy:**

Effective 8/16/06

- Establishes procedures to permit continued payment of an adoption subsidy to age 21 where the adoptive parents of an eligible child die after the child's 18th birthday and requires LDSS to notify the child of the procedures
- Permits the appointment of a guardian for a child over the age of 18
- Permits payment of the adoption subsidy to a guardian, the child or a representative payee

Chapter 668- FBI Checks:

Effective 1/11/07

- Requires that prospective foster and adoptive parents as well as persons over 18 years of age residing in the homes of such prospective parents be screened against the FBI criminal history database in addition to the NYS Division of Criminal Justice Services (DCJS) database
- OCFS would process the fingerprints and rap sheets and pay processing fees for FBI checks as it does for DCJS criminal history background checks

**Chapter 624-
Restraint and Crisis Intervention:**

Effective 12/14/06

- Establishes a restraint and crisis intervention technique committee within the Council on Children and Families (CCF)
- Applicable to:
 - agency-operated, OCFS-regulated boarding homes, and
 - other specified programs regulated by the Department of Mental Hygiene and SED

**Chapter 624-
Restraint and Crisis Intervention:**

Effective 12/14/06

- Committee must identify the most effective, least restrictive and safest behavior modification techniques for children living in enumerated residential programs
- Committee must establish coordinated standards for the residential programs for children and issue a report/ recommendations and draft regulations by 9/1/07

Chapter 508- DASNY Bond Cap:

Effective 8/16/06

- Increases from \$30 Million to \$60 million the bonding authority of the Dormitory Authority of the State of NY (DASNY) for financing of construction and renovation of residential programs for children
- This bonding authority was originally enacted as Chapter 472 of the Laws of 2004

**Chapter 82- Workplace Violence:
Effective 3/4/07**

- Requires public employers to develop and implement written plans to prevent workplace violence based on an evaluation of risk factors present in the workplace
- "Workplace" is defined as any location where a public employee performs work-related duties, except the employee's own home

**Chapter 82- Workplace Violence:
Effective 3/4/07**

- Employers must train employees upon initial assignment and must train annually thereafter on the risks of occupational assault and homicides in the workplace

Federal Legislation

**Deficit Reduction Act of 2005
Adoption Assistance Eligibility Criteria
Effective 10/1/05**

- Applies to a child whose eligibility for Title IV-E Adoption Assistance is based on AFDC eligibility. (Section 473(a)(3) of the SSA)
- States are no longer required to determine the child's AFDC eligibility at the time of the initiation of the adoption proceeding.
- Child's AFDC eligibility determined only at the time of removal of child from the home of a specified relative.

**Safe and Timely Interstate Placement of Foster
Children Act of 2006
Title IV-E Foster and Adoptive
Effective 10/1/06**

- Title IV-E State Plan Requirement
- Imposes timeframes for completion of home studies for foster children placed through ICPC in foster and adoptive homes.
- Study of home environment assessing safety and suitability must be completed and returned to requesting state within 60 days of receipt of the request.

**Safe and Timely Interstate Placement of Foster
Children Act of 2006
Title IV-E Foster and Adoptive
Home Study Requirements
Effective 10/1/06**

- Home study process need not have completed education or training requirements of foster or adoptive parents within 60 days.
- Final certification or approval need not be completed within 60 days.

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Title IV-E Foster and Adoptive Home Study Requirements
Effective 10/1/06**

- Exception to 60 day rule--Home studies commenced on or before 9/30/08
- If state fails to complete within 60 days because of circumstances beyond state's control and request for information made within 15 days of receipt of the request for the home study, state has 75 days to complete the home study.

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Title IV-E Foster and Adoptive Home Study Requirements
Effective 10/1/06**

- Permits states to contract with private agencies to conduct home studies – OCFS Initiative
- New York Implementation —Emergency Regulations (18 NYCRR Parts 421 and 443)
- Provides incentives to encourage states to complete timely interstate home studies (30 days)

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Effective 10/1/06**

- Sense of Congress
- State agencies should fully cooperate with courts in foster care and adoption placements for the purpose of locating a parent of a child, including making information available from the Federal Parent Locator Service

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Effective 10/1/06**

- Title IV-E State Plan Requirement:
 - Requires case plans to include the most recent information available regarding the health and education records of the foster child (rather than the previous requirement to include such information to the extent available)

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Effective 10/1/06**

- Title IV-E State Plan Requirement
- Requires that a copy of a child's health and education record be supplied to the foster parent or foster care provider at the time of placement and at no cost to the child at the time the child ages out of foster care
- OCFS Regulation (18 NYCRR 357.3)

**Safe and Timely Interstate Placement of Foster Children Act of 2006
Effective 10/1/06**

- Reasonable Efforts:
 - Reasonable efforts must be made to finalize a child's permanency plan, other than reunification, including, if appropriate, through an interstate placement
 - Reasonable efforts in regard to concurrent planning must include identifying appropriate in-state and out-of-state placements

**Safe and Timely Interstate Placement of Foster
Children Act of 2006**
Effective 10/1/06

- Reasonable Efforts:
 - Requires a state to consider in-state and out-of-state placement options in permanency hearings, and if a child is already in an out-of-state placement, the hearing must determine if the placement continues to be appropriate and in the child's best interests

**Safe and Timely Interstate Placement of Foster
Children Act of 2006**
Effective 10/1/06

- Title IV-E State Plan Requirement
 - Requires that foster parents, pre-adoptive parents and relative caregivers be provided the "right" to be heard in "any proceeding", in lieu of the existing requirement for an opportunity to be heard in any review or hearing

**The Adam Walsh Child Protection and
Safety Act of 2006**
Title IV-E Background Check Requirements
Effective 10/1/06

- Requires states to check any child abuse and neglect registry in each state the prospective foster and adoptive parents and any other adult(s) living in the home have resided in the preceding five years, regardless of whether Title IV-E foster care maintenance payments or adoption assistance payments are to be made on behalf of the child

**The Adam Walsh Child Protection and
Safety Act of 2006**
Title IV-E Background Check Requirements
Effective 10/1/08

- Requires states to have safeguards in place to:
 - prevent the unauthorized disclosure of information in any child abuse and neglect registry maintained by the state
 - prohibit the state from sharing the information obtained from the registry pursuant to the foster and adoptive parent check requirement for any other purpose

**The Adam Walsh Child Protection and
Safety Act of 2006**
Title IV-E Background Check Requirements
Effective 10/1/06

- Requires states to have safeguards in place to:
 - comply with child abuse and neglect registry check requests made by other states

**The Adam Walsh Child Protection and
Safety Act of 2006**
Title IV-E Background Check Requirements

- Requires states to have procedures for conducting a national criminal history record check for all prospective foster and adoptive parents
- Title IV-E State Plan Requirement
- Compliance by New York – Chapter 668 of the Laws of 2006 effective 1/11/07

**The Adam Walsh Child Protection and Safety Act of 2006
Title IV-E Background Check Requirements
Effective 10/1/08**

- Ends the ability of states to opt-out of the Title IV-E criminal history background check requirements for foster and adoptive parents.
- New York must implement federal requirements by October 1, 2008.
- Return to mandatory disqualifying crimes.

**The Adam Walsh Child Protection and Safety Act of 2006
Title IV-E Background Check Requirements
Effective 10/1/06**

- Requires the Department of Health and Human Services (HHS) to create a National Child Abuse and Neglect Registry containing case-specific identifying information received from the states limited to the name of the perpetrator and the nature of the substantiated case of child abuse and neglect

**The Adam Walsh Child Protection and Safety Act of 2006
Title IV-E Background Check Requirements
Effective 10/1/06**

- HHS must conduct a study to address specific issues related to the creation of an electronic national registry of substantiated cases of child abuse and neglect.
- One year from the enactment of P. L. 109-248, the Secretary of Homeland Security must submit a report of recommendations and findings to specified House and Senate Committees concerning the mandated study

**The Child and Family Services Improvement Act of 2006
Effective 10/1/06**

- Title IV-B State Plan Requirements:**
- Requires that states have policies and administrative and judicial procedures (including provisions for legal representation of children) to be used when children are abandoned at or shortly after birth and which enable permanent decisions to be made expeditiously with respect to the placement of the children

**The Child and Family Services Improvement Act of 2006
Effective 10/1/06**

- Requires the state to describe how child welfare agencies actively consult and involve physicians and other medical professionals in health and well-being assessments and appropriate medical treatment for children and youth in the child welfare system

The Child and Family Services Improvement Act of 2006

- Requires all states to have in place by October 1, 2007 procedures for how their child welfare programs funded by either Title IV-B or IV-E will respond to a disaster, including how the state will:
 - identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster

**The Child and Family Services
Improvement Act of 2006**

- remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster;
- respond to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases;
- preserve essential program records; and
- coordinate services and share information with other states

**The Child and Family Services
Improvement Act of 2006**
Effective 10/1/06

- Requires no later than October 1, 2007 that states provide assurances that not more than 10% of expenditures by a state for activities funded under Title IV-B, subpart 1 will be for administrative costs

**The Child and Family Services
Improvement Act of 2006**

- Requires no later than October 1, 2007 that states describe its standards for the content and frequency of casework visits with foster children
- Such standards, at a minimum, must reflect monthly visits
- Visits must be well-planned and focused on issues relevant to case planning and service delivery to address: safety, permanency and well-being of child

**The Child and Family Services Improvement Act
of 2006**

ADDITIONAL CASEWORK VISIT STANDARDS:

- States must report to DHHS for federal fiscal year 2007:
 - percentage of foster children who were visited on a monthly basis by the child's caseworker; and
 - percentage of visits that occurred in the residence of the child
- No report, no Title IV-B, subpart 1 funds

**The Child and Family Services
Improvement Act of 2006**

- DHHS must establish "an outline of the steps" by 6/30/08 that will "ensure" by 10/1/11 that
 - 90% of foster children are visited by their caseworkers on a monthly basis; and
 - the majority of visits are in child's residence
- If state does not meet annual targets towards the 90% caseworker visit standard, DHHS will reduce the state's Title IV-B, subpart 1 funding

**The Child and Family Services
Improvement Act of 2006**

- Federal funds are provided to support monthly caseworker visits with children who are in foster care with a primary emphasis on improving caseworker retention, recruitment, and training
- Funds are allotted to states a by formula (food stamp %) with a 25% State match

The Child and Family Services Improvement Act of 2006

- In FY 2008, \$5 million of the \$40 million in federal funding nationwide will be allocated to promote enhanced frequency of caseworker visits to children in foster care
- In 2009, that share will grow to \$10 million, and in 2010 and 2011 ?????

The Child and Family Services Improvement Act of 2006

Title IV-E State Plan Requirement :

- Requires at any permanency hearing or at any hearing related to a youth's transition from foster care -- that he or she be consulted by the court, in an age-appropriate manner, regarding any proposed permanency or transitional plan
- Effective 10/1/06, except where state requires legislation to implement

Chafee National Youth in Transition Database

- The Foster Care Independence Act of 1999 which established the Chafee Foster Care Independence Program requires the Administration for Children and Families (ACF) to develop a data collection system, in consultation with various stakeholders, to:
 - develop outcome measures that may be used to assess State performance in operating their independent living programs

Chafee Federal Regulations Proposed- NOT Final!

- States will be required to report four types of information about youth to the National Youth in Transition Database:
 - Services
 - Characteristics
 - Outcomes
 - Basic demographics

Chafee Federal Regulations Proposed- NOT Final!

- States will be required to collect data on a new cohort of youth (17-year-olds in foster care) every three years
- Youth will be interviewed three times - at age 17 while in foster care, and at ages 19 and 21, regardless of whether still in foster care
- States will report all four types of information to the NYTD semi-annually, on a Federal Fiscal year basis

Handout Links

<http://ocfs.state.nyenet/>

What's New

2006 State and Federal Legislation Update

October 12, 2006

The 2006 State and Federal legislative session resulted in many new laws affecting OCFS, the local social services districts and the children and families of New York State. Important initiatives were enacted pertaining to child protective services, as well as measures pertaining to foster care and adoption. Technical clean-up legislation was enacted to facilitate the continued implementation of the Permanency Bill enacted in 2005. [View summaries and copies of this legislation.](#)

OCFS has scheduled a teleconference on **October 24, 2006** to provide more information on 2006 new state and federal legislation. [View the teleconference announcement for more information on time and locations. \(PDF\)](#)

Challenges & Solutions Newsletter - Vol. 4 No. 2 - 2006 (PDF)

October 10, 2006

Strategies for Promoting Child Safety, Permanency, and Well-being in New York State

This issue of the **Challenges & Solutions Newsletter** contains the articles "Celebrating the Gifts of Youth in Foster Care", "Greetings from Jane Lynch, Deputy Commissioner of the Division of Development and Prevention Services", "CPS & DV: Working Together for Safety", and "Local Solutions Workers: Looking at Family Engagement in One Region of the State". [Challenges & Solutions Newsletter - Vol 4 No 2 - 2006 \(PDF\)](#)

OCFS Adolescent Services and Outcomes Website

September 25, 2006

The Adolescent Services and Outcomes website is a place where you will find some of the most current state and federal resources on services to foster care youth and former foster care youth. You will find information on the OCFS Adolescent Strategy Workgroup including the new framework for practice with adolescents, the Adolescent Services Resource Network (ASRN), including a description of the training they offer and information on how to contact the ASRN in your region, the OCFS Foster Care Youth Leadership Team, called Youth in Progress (YIP), and OCFS Local Commissioners Memoranda and Information Letters on the NYS Chafee Program (CFCP) and the Education and Training Voucher (ETV) Program, federal laws, resource materials and national organizations relevant to adolescents, as well as links to Casey Youth Life Skills material. [OCFS Adolescent Services and Outcomes Website](#)

LocalPhone