

# STATE OF NEW YORK

4629--B

Cal. No. 286

2009-2010 Regular Sessions

## IN ASSEMBLY

February 5, 2009

Introduced by M. of A. WEINSTEIN, JOHN, LANCMAN, SWEENEY, N. RIVERA -- Multi-Sponsored by -- M. of A. AUBRY, BRENNAN, BRODSKY, CHRISTENSEN, CLARK, CYMBROWITZ, DESTITO, DINOWITZ, GALEF, GLICK, GOTTFRIED, GREENE, JAFFEE, LUPARDO, MAGNARELLI, McENENY, ORTIZ, PAULIN, J. RIVERA, WEISENBERG -- read once and referred to the Committee on Governmental Operations -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the executive law, in relation to requisite training instruction for police officers for crimes involving sexual assaults; and to amend the social services law, in relation to training for child protective services workers in certain instances

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

1 Section 1. Section 840 of the executive law is amended by adding a new  
2 subdivision 4 to read as follows:

3 4. The council shall promulgate rules and regulations requiring train-  
4 ing and instruction for all police officers with respect to crimes  
5 involving sexual assault. Such training and instruction, which shall be  
6 designed and presented in consultation with the rape crisis centers  
7 experienced in assisting victims in this state, shall include, but not  
8 be limited to understanding rape and sexual abuse trauma and psycholog-  
9 ical issues confronted by such crime victims, common attributes of  
10 offenders, fair treatment standards for crime victims pursuant to arti-  
11 cle twenty-three of this chapter, evidence gathering and preservation  
12 issues, interview techniques and information concerning the availability  
13 of local services for the victims of such crimes. All new officers  
14 shall receive such training and instruction, as part of the basic  
15 curriculum at the state police academy or at municipal police academies,  
16 as applicable. The council shall promulgate such rules and regulations

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

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1 as it deems necessary concerning periodic retraining of police officers  
2 regarding crimes involving sexual assault.

3 § 2. The section heading and opening paragraph of section 421 of the  
4 social services law, as amended by chapter 718 of the laws of 1986, are  
5 amended to read as follows:

6 Responsibility of the ~~[department]~~ office of children and family  
7 services. The ~~[department]~~ office of children and family services  
8 shall:

9 § 3. The opening and closing paragraphs of subdivision 3 of section  
10 421 of the social services law, the opening paragraph as amended by  
11 chapter 718 of the laws of 1986 and the closing paragraph as amended by  
12 chapter 320 of the laws of 1990, are amended to read as follows:

13 promulgate regulations setting forth requirements for the performance  
14 by local social services departments of the duties and powers imposed  
15 and conferred upon them by the provisions of this title and of article  
16 ten of the family court act. Such regulations shall establish uniform  
17 requirements for the investigation of reports of child abuse or  
18 maltreatment under this title. The ~~[department]~~ office of children and  
19 family services shall also issue guidelines which shall set forth the  
20 circumstances or conditions under which:

21 The ~~[department]~~ office of children and family services shall promul-  
22 gate regulations to establish standards for the development of a train-  
23 ing curriculum for child protective services workers which teaches  
24 appropriate investigatory techniques for reports of sexual abuse and  
25 mandates on-going training for child protective services workers, stand-  
26 ards for intervention, criteria for case closings, criteria for deter-  
27 mining whether or not to initiate a child protective proceeding, and  
28 criteria for the formulation of treatment plans and for the delivery of  
29 child protective services including specification of the services to be  
30 classified as child protective services, which shall also apply to any  
31 society for the prevention of cruelty to children which has entered into  
32 a currently valid contract with a local department of social services to  
33 investigate child abuse or maltreatment reports. The ~~[department]~~ office  
34 of children and family services shall promulgate regulations establish-  
35 ing minimum standards and practices for the delivery of child protective  
36 services in connection with monitoring and supervising respondents and  
37 their families as ordered by a family court pursuant to section ten  
38 hundred thirty-nine and paragraphs (i), (iii), (iv) and (v) of subdivi-  
39 sion (a) of section ten hundred fifty-two of the family court act. Such  
40 regulations shall also require local child protective services to comply  
41 with notification requirements of the family court act in connection  
42 with such monitoring and supervisory responsibilities.

43 § 4. Paragraph (b) of subdivision 5 of section 421 of the social  
44 services law, as amended by chapter 525 of the laws of 2006, is amended  
45 to read as follows:

46 (b) promulgate regulations setting forth training requirements which  
47 shall specify, among other things, that all persons hired by a child  
48 protective service on or after April first, nineteen hundred eighty-six  
49 shall have satisfactorily completed a course approved by the ~~[depart-~~  
50 ment] office of children and family services within the first three  
51 months of employment, in the fundamentals of child protection. Such  
52 course shall include at least basic training in the principles and tech-  
53 niques of investigations, including relationships with other investi-  
54 gative bodies, legal issues in child protection, and methods of remedi-  
55 ation, diagnosis, treatment and prevention. Such regulations shall also  
56 specify that all persons employed by a child protective service on or

1 after December first, two thousand six shall satisfactorily complete six  
2 hours of annual in service training, beginning in their second year of

3 employment. Such annual in service training shall include, but is not  
4 limited to, review of the protocols for identification and investigation  
5 of child abuse and maltreatment, any developments in legal, treatment  
6 and prevention issues in child protection, and review and analysis of  
7 field experiences of child protective services workers.

8 § 5. Subdivision 7 of section 421 of the social services law, as  
9 amended by chapter 718 of the laws of 1986, is amended to read as  
10 follows:

11 7. take all reasonable and necessary actions to assure that the local  
12 departments of social services are kept apprised on a current basis of  
13 the laws, regulations and policies of the ~~[department]~~ office of chil-  
14 dren and family services concerning child abuse and maltreatment.

15 § 6. This act shall take effect on the ninetieth day after it shall  
16 have become a law.