

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS MILLER-WILLIAMS, GRANT & BURKE**

RE: Supporting NYS Legislation to Strengthen the CPS Interview Process of Children Suspected of Being Abused or Maltreated

WHEREAS, following the deaths of several children who were under the jurisdiction of Erie County Child Protective Services, the community has struggled with the realization that problems clearly exist within CPS, and more specifically, how CPS caseworkers conduct interviews of children who have been reported to be abused or maltreated by someone in their household, or children who are victimized in other ways outside their homes; and

WHEREAS, this Honorable Body, together with its Health & Human Services Committee, has focused attention on CPS in order to better serve and protect vulnerable children, has appropriated additional staffing for CPS, has amended the 2014 Erie County budget to appropriate funding for the purpose of conducting a study of chronic child neglect in Erie County, and has directed that the Department of Social Services re-invigorate its chartered citizens' advisory committee, the Erie County Community Coordinating Council on Children & Families; and

WHEREAS, and although steps have been taken in County government to address a crisis in CPS, additional steps are necessary to provide additional protections to these young victims of unthinkable abuse and maltreatment, including help from New York State government in the form of changes in State law; and

WHEREAS, the State Legislature currently is considering an act to amend the Social Services Law, in relation to preventing children from being interviewed by Child Protective Services' caseworkers in the presence of others; and

WHEREAS, this legislation aims to change the way CPS currently conducts interviews of children suspected of being abused or maltreated, in that such interviews, "in front of their parent or guardian may substantially inhibit them from speaking out against a perpetrator for fear of retribution," according to the legislation; and

WHEREAS, it would be appropriate and correct that the Erie County Legislature sends a message of support for this legislation before the State Senate and State Assembly in order to add an additional level of protection for all of our children.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature declares its support for legislation currently before the New York State Legislature that aims to address problems within the Social Services Law in how CPS caseworkers interview children suspected of being abused or maltreated; and be it further

RESOLVED, that this Honorable Body goes on record in support New York State Senate Bill S.6341, and New York State Assembly Bill A.8427: “An act to amend the social services law, in relation to the interviewing of children in the presence of other persons;” and be it further

RESOLVED, that the Clerk of the Legislature forward certified copies of this resolution to the Governor of the State of New York, the Honorable Andrew M. Cuomo; the Coalition Co-Majority Leaders of the New York State Senate, the Honorable Dean G. Skelos and the Honorable Jeff Klein; the Speaker of the New York State Assembly, the Honorable Sheldon Silver; the Erie County Executive, the Honorable Mark C. Poloncarz; and to the WNY Delegation to the New York State Legislature and the Commissioner of the Department of Social Services.

FISCAL IMPACT: None for resolution.



Bill S6341-2013

Relates to the interviewing of children in the presence of other persons

Relates to the interviewing of children in the presence of other persons named in reports.

Details

- Same as: A8427-2013
 - Versions S6341-2013
 - Sponsor: KENNEDY
 - Multi-sponsor(s): None
 - Co-sponsor(s): BRESLIN, DILAN, ESPAILLAT
 - Committee: CHILDREN AND FAMILIES
 - Law Section: Social Services Law
 - Law: Amd §424, Soc Serv L
-

Actions

- Jan 15, 2014: REFERRED TO CHILDREN AND FAMILIES

Memo

BILL NUMBER: S6341

TITLE OF BILL: An act to amend the social services law, in relation to the interviewing of children in the presence of other persons

PURPOSE OR GENERAL IDEA OF BILL:

The purpose of this bill is to prevent children from being interviewed by Child Protective Services workers, in the presence of others.

SUMMARY OF SPECIFIC PROVISIONS:

Amends social services law, in relation to the interviewing of children in the presence of other persons

JUSTIFICATION:

Interviewing a child, who is sustaining abuse, in front of their parent or guardian may substantially inhibit them from speaking out against a perpetrator for fear of retribution. Unfortunately, in the majority of cases of founded reports of child abuse, a parent or guardian, rather than a stranger, is at fault.

When a child is interviewed in front of their parents or guardians, they may be coached to say something, or may not feel as if they can speak openly or honestly, out of fear for their own safety. Amending the social services law to state that children, in Child Protective Services investigations, may not be interviewed in the presence of another individual, who has been named in the report of suspected abuse or neglect, will help enable a Child Protective Services worker to fully carry out their job, and will garner a more meaningful interview.

PRIOR LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

Text**STATE OF NEW YORK**

S. 6341

A. 8427

S E N A T E - A S S E M B L Y**January 15, 2014**

IN SENATE -- Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the interviewing of children in the presence of other persons

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (a) of subdivision 6 of section 424 of the social services law, as amended by chapter 602 of the laws of 2006, is amended to read as follows:

(a) upon receipt of such report, commence or cause the appropriate society for the prevention of cruelty to children to commence, within twenty-four hours, an appropriate investigation which shall include an evaluation of the environment of the child named in the report and any other children in the same home and a determination of the risk to such children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in such report and the name, age and condition of other children in the home, and, after seeing to the safety of the child or children, forthwith notify the subjects of the report and other persons named in the report in writing of the existence of the report and their respective rights pursuant to this title in regard to amendment. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SUBJECT CHILD OF SUCH A REPORT SHALL NOT BE INTERVIEWED IN THE PRESENCE OF ANY OTHER PERSON NAMED IN THE REPORT.

§ 2. This act shall take effect immediately.

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

LSD13151-01-3

Comments

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Bill Text: NY A08427 | 2013-2014 | General Assembly | Introduced New York Assembly Bill 8427

Bill Title: Relates to the interviewing of children in the presence of other persons named in reports. [Monitor Legislation]

Status: (Introduced) 2014-01-15 - referred to children and families [A08427 Detail]

Download: New_York-2013-A08427-Introduced.html

STATE OF NEW YORK

S. 6341

A. 8427

SENATE - ASSEMBLY
January 15, 2014

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THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (a) of subdivision 6 of section 424 of the social
2 services law, as amended by chapter 602 of the laws of 2008, is amended
3 to read as follows:

4 (a) upon receipt of such report, commence or cause the appropriate
5 society for the prevention of cruelty to children to commence, within
6 twenty-four hours, an appropriate investigation which shall include an
7 evaluation of the environment of the child named in the report and any
8 other children in the same home and a determination of the risk to such
9 children if they continue to remain in the existing home environment, as
10 well as a determination of the nature, extent and cause of any condition
11 enumerated in such report and the name, age and condition of other chil-
12 dren in the home, and, after seeing to the safety of the child or chil-
13 dren, forthwith notify the subjects of the report and other persons
14 named in the report in writing of the existence of the report and their
15 respective rights pursuant to this title in regard to amendment.
16 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE SUBJECT CHILD OF SUCH A
17 REPORT SHALL NOT BE INTERVIEWED IN THE PRESENCE OF ANY OTHER PERSON
18 NAMED IN THE REPORT.

19 S 2. This act shall take effect immediately.

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LBD13151-01-3