

1 overseen by the office are kept apprised on a current basis of all poli-
2 cies and procedures [of the office] relating to the protection of [chil-
3 dren from abuse and maltreatment,] vulnerable persons and shall monitor
4 and supervise the provision of training to such administrators, employ-
5 ees, volunteers, children and consultants. Standards developed pursuant
6 to this subdivision shall, to the extent possible, be consistent with
7 those promulgated by other state agencies for such purposes.

8 (b) The commissioner shall provide necessary assistance to the [state
9 commission on quality of care and advocacy for persons with disabili-
10 ties] justice center for the protection of people with special needs in
11 the conduct of investigations pursuant to [section 45.07 of this chap-
12 ter] article eleven of the executive law, shall consider its recommenda-
13 tions for appropriate preventive and remedial action including legal
14 actions, and shall provide or direct a residential facility licensed or
15 operated by the office of mental health to provide written reports ther-
16 eon to such [commission] justice center as to the implementation of
17 plans of prevention and remediation.

18 (c) The commissioner shall provide for the development and implementa-
19 tion of a plan of prevention and remediation with respect to [an indi-
20 cated] a substantiated report of [child abuse or maltreatment] a report-
21 able incident. Such action shall include:

22 1. within ten days of receipt of [an indicated] a substantiated report
23 of [child abuse or maltreatment] a reportable incident, development and
24 implementation of a plan of prevention and remediation to be taken [with
25 respect to a custodian or residential facility in order] to assure the
26 continued health, safety, and [safety] welfare of [children] service
27 recipients and to provide for the prevention of future acts of [abuse or
28 maltreatment] reportable incidents; and

1 2. development and implementation of a plan of prevention and remedi-
2 ation, in the event an investigation of a report of an alleged [child
3 abuse or maltreatment] reportable incident determines that [a] such
4 report [of child abuse or maltreatment is indicated] is substantiated
5 and such [abuse or maltreatment] reportable incident may be attributed
6 in whole or in part to noncompliance by the facility with provisions of
7 this chapter or regulations of the respective [offices] office applica-
8 ble to the operation of such [residential] facility. Any plan of
9 prevention and remediation required to be developed pursuant to this
10 subdivision by a facility supervised by [either] the office shall be
11 submitted to and approved by such office in accordance with time limits
12 established by rules and regulations of such office. Implementation of
13 the plan shall be monitored by such office or the justice center. In
14 reviewing the continued qualification of a residential facility or
15 program for an operating certificate, the office having supervisory
16 responsibilities shall evaluate such facility's compliance with plans of
17 prevention and remediation developed pursuant to this subdivision.

18 § 11. Subdivision (c) of section 33.02 of the mental hygiene law, as
19 amended by chapter 168 of the laws of 2010, is amended to read as
20 follows:

21 (c) The commissioners and the facility director shall ensure that a
22 notice of the rights included in regulations promulgated pursuant to
23 this section is posted in each ward or living area of every hospital
24 operated or licensed by the office of mental health and every develop-
25 mental center operated by the office for people with developmental disa-
26 bilities, and that such notice is provided to every individual resident
27 of any other residential facility or program operated or licensed by the
28 respective offices upon admission to such facility or program, upon

1 limitation on any right, or at the individual's request. The notice
2 shall include the address and telephone numbers of the office of the
3 facility director or such person's designee responsible for receiving
4 questions or complaints, the board of visitors if applicable, the mental
5 hygiene legal service, the vulnerable persons' central register and the
6 [commission on quality of care and advocacy for persons with disabili-
7 ties] justice center for the protection of people with special needs.

8 § 12. Section 33.06 of the mental hygiene law, as amended by chapter
9 37 of the laws of 2011, is amended to read as follows:

10 § 33.06 Reports of abuse [or mistreatment], neglect, and significant
11 incidents.

12 The executive director of the justice center for the protection of
13 people with special needs, in consultation with the commissioner of the
14 office of mental health, the commissioner of the office of alcoholism
15 and substance abuse services and the commissioner of the office for
16 people with developmental disabilities shall establish procedures or
17 mechanisms pursuant to article eleven of the social services law to
18 receive allegations or complaints of [abuse or mistreatment of] report-
19 able incidents involving individuals served by agencies and providers
20 licensed or operated by the offices, including receipt of anonymous
21 allegations or complaints. [Such mechanisms shall include the operation
22 of a toll-free number. Allegations or complaints received shall be eval-
23 uated and, if necessary, referred for appropriate corrective action,
24 consistent with laws, regulations and procedures established for the
25 investigation, resolution and response to incident reports to ensure the
26 care and safety of all patients. The inability of the person reporting
27 the abuse to identify the alleged perpetrator shall, in no circumstance,
28 constitute the sole cause to reject such allegation for investigation or

1 fail to refer such allegation for corrective action. When an allegation
2 of abuse or maltreatment of a child is made, the allegation shall be
3 referred to the statewide central register of child abuse and maltreat-
4 ment, established pursuant to section four hundred twenty-two of the
5 social services law.]

6 § 13. Subdivision (a) of section 33.25 of the mental hygiene law, as
7 added by chapter 24 of the laws of 2007, is amended to read as follows:

8 (a) Records and documents pertaining to allegations and investigations
9 into [patient abuse or mistreatment] reportable incidents at a facility,
10 as defined in subdivision six of section 1.03 of this chapter, including
11 but not limited to all complaints and reports made pursuant to [subdivi-
12 sion (c) of section 45.07 and section 45.17 of this title] article elev-
13 en of the social services law, shall be released to a qualified person,
14 as defined in paragraph six of subdivision (a) of section 33.16 of this
15 article, upon a written request by such qualified person. Such records
16 and documents shall be made available by the appropriate office within
17 twenty-one days of the conclusion of its investigation, provided that
18 the names and other personally identifying information of other patients
19 and employees shall not be included unless such patients and employees
20 authorize disclosure.

21 § 14. This act shall take effect June 30, 2013.

22

PART D

23 Section 1. Paragraph (a) of subdivision 5 of section 20 of the social
24 services law, as amended by chapter 485 of the laws of 2006, is amended
25 to read as follows:

1 (a) In the case of the death of a child whose care and custody or
2 custody and guardianship has been transferred to an authorized agency,
3 other than a vulnerable person as defined in article eleven of this
4 chapter, or the death of a child for whom any local department of social
5 services has an open child protective services or preventive services
6 case, or in the case of a report made to the statewide central register
7 of child abuse and maltreatment involving the death of a child, the
8 office of children and family services shall (i) investigate or provide
9 for an investigation of the cause of and circumstances surrounding such
10 death, (ii) review such investigation, and (iii) prepare and issue a
11 report on such death, except where a report is issued by an approved
12 local or regional fatality review team in accordance with section four
13 hundred twenty-two-b of this chapter.

14 § 2. Subdivision 5 of section 412 of the social services law, as
15 amended by chapter 323 of the laws of 2008, is amended to read as
16 follows:

17 5. "Other persons named in the report" shall mean and be limited to
18 the following persons who are named in a report of child abuse or
19 maltreatment other than the subject of the report: [(a)] the child who
20 is reported to the statewide central register of child abuse and
21 maltreatment; and such child's parent, guardian, or other person legally
22 responsible for the child who has not been named in the report as
23 allegedly responsible for causing injury, abuse or maltreatment to the
24 child or as allegedly allowing such injury, abuse or maltreatment to be
25 inflicted on such child; [or

26 (b) other persons named in a report of an abused or neglected child in
27 residential care as defined in subdivision nine of section four hundred
28 twelve-a of this title;]

1 § 2-a. Subdivisions 1, 2 and 4 of section 412 of the social services
2 law, as amended by chapter 323 of the laws of 2008, are amended to read
3 as follows:

4 1. An "abused child" means[:

5 (a)] a child under eighteen years of age [not in "residential care,"
6 as defined in subdivision four of section four hundred twelve-a of this
7 title,] and who is defined as an abused child by the family court act[;
8 or

9 (b) a child under the age of eighteen years who is defined as an
10 abused child in residential care pursuant to subdivision one of section
11 four hundred twelve-a of this title];

12 2. A "maltreated child" includes[:

13 (a)] a child under eighteen years of age [not in "residential care" as
14 defined in subdivision four of section four hundred twelve-a of this
15 title]:

16 [(i)] (a) defined as a neglected child by the family court act, or

17 [(ii)] (b) who has had serious physical injury inflicted upon him or
18 her by other than accidental means; [or

19 (b) a child who is a neglected child in residential care as defined in
20 subdivision two of section four hundred twelve-a of this title;]

21 4. "Subject of the report" means[: (a)] any parent of, guardian of, or
22 other person eighteen years of age or older legally responsible for, as
23 defined in subdivision (g) of section one thousand twelve of the family
24 court act, a child reported to the statewide central register of child
25 abuse and maltreatment who is allegedly responsible for causing injury,
26 abuse or maltreatment to such child or who allegedly allows such injury,
27 abuse or maltreatment to be inflicted on such child; or a director or an
28 operator of, or employee or volunteer in, a home operated or supervised

1 by an authorized agency, the office of children and family services, [or
2 an office of the department of mental hygiene] or in a family day-care
3 home, a day-care center, a group family day care home, a school-age
4 child care program or a day-services program who is allegedly responsi-
5 ble for causing injury, abuse or maltreatment to a child who is reported
6 to the statewide central register of child abuse or maltreatment or who
7 allegedly allows such injury, abuse or maltreatment to be inflicted on
8 such child; [or

9 (b) a subject of a report of an abused or neglected child in residen-
10 tial care as defined in subdivision eight of section four hundred
11 twelve-a of this title;]

12 § 2-b. Section 412-a of the social services law is REPEALED.

13 § 3. Paragraphs (a) and (c) of subdivision 1 of section 413 of the
14 social services law, paragraph (a) as amended by chapter 91 of the laws
15 of 2011 and paragraph (c) as amended by chapter 366 of the laws of 2008,
16 are amended to read as follows:

17 (a) The following persons and officials are required to report or
18 cause a report to be made in accordance with this title when they have
19 reasonable cause to suspect that a child coming before them in their
20 professional or official capacity is an abused or maltreated child, or
21 when they have reasonable cause to suspect that a child is an abused or
22 maltreated child where the parent, guardian, custodian or other person
23 legally responsible for such child comes before them in their profes-
24 sional or official capacity and states from personal knowledge facts,
25 conditions or circumstances which, if correct, would render the child an
26 abused or maltreated child: any physician; registered physician assist-
27 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
28 osteopath; optometrist; chiropractor; podiatrist; resident; intern;

1 psychologist; registered nurse; social worker; emergency medical techni-
2 cian; licensed creative arts therapist; licensed marriage and family
3 therapist; licensed mental health counselor; licensed psychoanalyst;
4 hospital personnel engaged in the admission, examination, care or treat-
5 ment of persons; a Christian Science practitioner; school official,
6 which includes but is not limited to school teacher, school guidance
7 counselor, school psychologist, school social worker, school nurse,
8 school administrator or other school personnel required to hold a teach-
9 ing or administrative license or certificate; social services worker;
10 director of a children's overnight camp, summer day camp or traveling
11 summer day camp, as such camps are defined in section thirteen hundred
12 ninety-two of the public health law; day care center worker; school-age
13 child care worker; provider of family or group family day care; [employ-
14 ee or volunteer in a residential care facility defined in subdivision
15 four of section four hundred twelve-a of this title] or any other child
16 care or foster care worker; mental health professional; substance abuse
17 counselor; alcoholism counselor; all persons credentialed by the office
18 of alcoholism and substance abuse services; peace officer; police offi-
19 cer; district attorney or assistant district attorney; investigator
20 employed in the office of a district attorney; or other law enforcement
21 official.

22 (c) A medical or other public or private institution, school, facility
23 or agency shall not take any retaliatory personnel action, as such term
24 is defined in paragraph (e) of subdivision one of section seven hundred
25 forty of the labor law, against an employee because such employee
26 believes that he or she has reasonable cause to suspect that a child is
27 an abused or maltreated child and that employee therefore makes a report
28 in accordance with this title. No school, school official, child care

1 provider, foster care provider, residential care facility provider,
2 hospital, medical institution provider or mental health facility provid-
3 er shall impose any conditions, including prior approval or prior
4 notification, upon a member of their staff specifically required to
5 report under this title. At the time of the making of a report, or at
6 any time thereafter, such person or official may exercise the right to
7 request, pursuant to paragraph (A) of subdivision four of section four
8 hundred twenty-two of this title, the findings of an investigation made
9 pursuant to this title [or section 45.07 of the mental hygiene law].

10 § 3-a. Section 415 of the social services law, as amended by chapter
11 323 of the laws of 2008, is amended to read as follows:

12 § 415. Reporting procedure. Reports of suspected child abuse or
13 maltreatment made pursuant to this title shall be made immediately by
14 telephone or by telephone facsimile machine on a form supplied by the
15 commissioner of the office of children and family services. Oral reports
16 shall be followed by a report in writing within forty-eight hours after
17 such oral report. Oral reports shall be made to the statewide central
18 register of child abuse and maltreatment unless the appropriate local
19 plan for the provision of child protective services provides that oral
20 reports should be made to the local child protective service. In those
21 localities in which oral reports are made initially to the local child
22 protective service, the child protective service shall immediately make
23 an oral or electronic report to the statewide central register. Written
24 reports shall be made to the appropriate local child protective service
25 except that written reports involving children [in residential care, as
26 defined in subdivision four of section four hundred twelve-a of this
27 title, or] being cared for in a home operated or supervised by an
28 authorized agency[,] or the office of children and family services[, or

1 an office of the department of mental hygiene,] shall be made to the
2 statewide central register of child abuse and maltreatment which shall
3 transmit the reports to the agency responsible for investigating the
4 report, in accordance with [paragraph (a) or (c) of subdivision eleven
5 of section four hundred twenty-two or] section four hundred
6 twenty-four-b of this title[, as applicable]. Written reports shall be
7 made in a manner prescribed and on forms supplied by the commissioner of
8 the office of children and family services and shall include the follow-
9 ing information: the names and addresses of the child and his or her
10 parents or other person responsible for his or her care, if known, and,
11 as the case may be, the name and address of the [residential care facil-
12 ity or] program in which the child [resides or] is receiving care; the
13 child's age, sex and race; the nature and extent of the child's inju-
14 ries, abuse or maltreatment, including any evidence of prior injuries,
15 abuse or maltreatment to the child or, as the case may be, his or her
16 siblings; the name of the person or persons alleged to be responsible
17 for causing the injury, abuse or maltreatment, if known; family composi-
18 tion, where appropriate; the source of the report; the person making the
19 report and where he or she can be reached; the actions taken by the
20 reporting source, including the taking of photographs and x-rays,
21 removal or keeping of the child or notifying the medical examiner or
22 coroner; and any other information which the commissioner of the office
23 of children and family services may, by regulation, require, or the
24 person making the report believes might be helpful, in the furtherance
25 of the purposes of this title. Notwithstanding the privileges set forth
26 in article forty-five of the civil practice law and rules, and any other
27 provision of law to the contrary, mandated reporters who make a report
28 which initiates an investigation of an allegation of child abuse or

1 maltreatment are required to comply with all requests for records made
2 by a child protective service relating to such report, including records
3 relating to diagnosis, prognosis or treatment, and clinical records, of
4 any patient or client that are essential for a full investigation of
5 allegations of child abuse or maltreatment pursuant to this title;
6 provided, however, that disclosure of substance abuse treatment records
7 shall be made pursuant to the standards and procedures for disclosure of
8 such records delineated in federal law. Written reports from persons or
9 officials required by this title to report shall be admissible in
10 evidence in any proceedings relating to child abuse or maltreatment.

11 § 4. Section 418 of the social services law, as amended by chapter 485
12 of the laws of 2006, is amended to read as follows:

13 § 418. Mandatory reporting to and post-mortem investigation of deaths
14 by medical examiner or coroner. Any person or official required to
15 report cases of suspected child abuse or maltreatment, including workers
16 of the local child protective service[, as well as an employee of or
17 official of a state agency responsible for the investigation of a report
18 of abuse or maltreatment of a child in residential care,] who has
19 reasonable cause to suspect that a child died as a result of child abuse
20 or maltreatment shall report that fact to the appropriate medical exam-
21 iner or coroner. The medical examiner or coroner shall accept the
22 report for investigation and shall issue a preliminary written report of
23 his or her finding within sixty days of the date of death, absent
24 extraordinary circumstances, and his or her final written report prompt-
25 ly, absent extraordinary circumstances, to the police, the appropriate
26 district attorney, the local child protective service, the office of
27 children and family services, and, if the institution making the report
28 is a hospital, the hospital. The office of children and family services

1 shall promptly provide a copy of the preliminary and final reports to
2 the statewide central register of child abuse and maltreatment.

3 § 5. The section heading, the opening paragraph and subdivision 1 of
4 section 421 of the social services law, the section heading and the
5 opening paragraph as amended by chapter 718 of the laws of 1986 and
6 subdivision 1 as amended by chapter 504 of the laws of 1988, are amended
7 to read as follows:

8 Responsibility of the [department] office. The [department] office
9 shall: 1. in conjunction with local departments, both jointly and indi-
10 vidually, within the appropriation available, conduct a continuing
11 publicity and education program for local department staff, persons and
12 officials required to report including district attorneys, assistant
13 district attorneys, police officers, peace officers, investigators
14 employed in the office of a district attorney, and any other appropriate
15 persons to encourage the fullest degree of reporting of suspected child
16 abuse or maltreatment. Such program shall be developed and implemented
17 in coordination with those established pursuant to section 31.06 of the
18 mental hygiene law, section twenty-eight hundred five-n of the public
19 health law, section thirty-two hundred nine-a of the education law
20 [and], sections two hundred fourteen-a and eight hundred forty of the
21 executive law and article eleven of this chapter. The program shall
22 include but not be limited to responsibilities, obligations and powers
23 under this title and chapter as well as the diagnosis of child abuse and
24 maltreatment, the procedures of the child protective service, the family
25 court and other duly authorized agencies and the prevention, treatment
26 and remediation of abuse and maltreatment of children in residential
27 care.

1 § 6. Subparagraph (r) of paragraph (A) of subdivision 4 of section
2 422 of the social services law is REPEALED, and the opening paragraph,
3 subparagraph (j) and the first undesignated paragraph of paragraph (A)
4 of subdivision 4 of section 422 of the social services law, as amended
5 by chapter 12 of the laws of 1996, are amended to read as follows:

6 Reports made pursuant to this title as well as any other information
7 obtained, reports written or photographs taken concerning such reports
8 in the possession of the [department,] office or local departments[, or
9 the commission on quality of care for the mentally disabled,] shall be
10 confidential and shall only be made available to:

11 (j) [the state commission on quality of care for the mentally disabled
12 in connection with an investigation being conducted by the commission
13 pursuant to article forty-five of the mental hygiene law] the justice
14 center for the protection of people with special needs or a delegate
15 investigatory entity in connection with an investigation being conducted
16 under article eleven of this chapter;

17 After a child, other than a child in residential care, who is reported
18 to the central register of abuse or maltreatment reaches the age of
19 eighteen years, access to a child's record under subparagraphs (a) and
20 (b) of this paragraph shall be permitted only if a sibling or off-spring
21 of such child is before such person and is a suspected victim of child
22 abuse or maltreatment. In addition, a person or official required to
23 make a report of suspected child abuse or maltreatment pursuant to
24 section four hundred thirteen of this chapter shall receive, upon
25 request, the findings of an investigation made pursuant to this title
26 [or section 45.07 of the mental hygiene law]. However, no information
27 may be released unless the person or official's identity is confirmed by
28 the [department] office. If the request for such information is made

1 prior to the completion of an investigation of a report, the released
2 information shall be limited to whether the report is "indicated",
3 "unfounded" or "under investigation", whichever the case may be. If the
4 request for such information is made after the completion of an investi-
5 gation of a report, the released information shall be limited to whether
6 the report is "indicated" or "unfounded", whichever the case may be. A
7 person given access to the names or other information identifying the
8 subjects of the report, or other persons named in the report, except the
9 subject of the report or other persons named in the report, shall not
10 divulge or make public such identifying information unless he or she is
11 a district attorney or other law enforcement official and the purpose is
12 to initiate court action or the disclosure is necessary in connection
13 with the investigation or prosecution of the subject of the report for a
14 crime alleged to have been committed by the subject against another
15 person named in the report. Nothing in this section shall be construed
16 to permit any release, disclosure or identification of the names or
17 identifying descriptions of persons who have reported suspected child
18 abuse or maltreatment to the statewide central register or the agency,
19 institution, organization, program or other entity where such persons
20 are employed or the agency, institution, organization or program with
21 which they are associated without such persons' written permission
22 except to persons, officials, and agencies enumerated in subparagraphs
23 (e), (f), (h), (j), (l), (m) and (v) of this paragraph.

24 § 7. The opening paragraph, subparagraph (iii) of paragraph (a) and
25 paragraph (b) of subdivision 5 and subdivision 6 of section 422 of the
26 social services law, the opening paragraph, subparagraph (iii) of para-
27 graph (a) and paragraph (b) of subdivision 5 as amended by chapter 555

1 of the laws of 2000 and subdivision 6 as amended by chapter 323 of the
2 laws of 2008, are amended to read as follows:

3 Unless an investigation of a report conducted pursuant to this title
4 [or subdivision (c) of section 45.07 of the mental hygiene law] deter-
5 mines that there is some credible evidence of the alleged abuse or
6 maltreatment, all information identifying the subjects of the report and
7 other persons named in the report shall be legally sealed forthwith by
8 the central register and any local child protective services or the
9 state agency which investigated the report. Such unfounded reports may
10 only be unsealed and made available:

11 (iii) to a local child protective service, the office of children and
12 family services, or all members of a local or regional multidisciplinary
13 investigative team[, the commission on quality of care for the mentally
14 disabled, or the department of mental hygiene,] or the justice center
15 for the protection of people with special needs when investigating a
16 subsequent report of suspected abuse, neglect or maltreatment involving
17 a subject of the unfounded report, a child named in the unfounded
18 report, or a child's sibling named in the unfounded report pursuant to
19 this article or article eleven of this chapter;

20 (b) Persons given access to unfounded reports pursuant to subparagraph
21 (v) of paragraph (a) of this subdivision shall not redisclose such
22 reports except as necessary to conduct such appropriate investigation or
23 prosecution and shall request of the court that any copies of such
24 reports produced in any court proceeding be redacted to remove the names
25 of the subjects and other persons named in the reports or that the court
26 issue an order protecting the names of the subjects and other persons
27 named in the reports from public disclosure. The local child protective
28 service or state agency shall not indicate the subsequent report solely

1 based upon the existence of the prior unfounded report or reports.
2 Notwithstanding section four hundred fifteen of this title, section one
3 thousand forty-six of the family court act, or, except as set forth
4 herein, any other provision of law to the contrary, an unfounded report
5 shall not be admissible in any judicial or administrative proceeding or
6 action; provided, however, an unfounded report may be introduced into
7 evidence: (i) by the subject of the report where such subject is a
8 respondent in a proceeding under article ten of the family court act or
9 is a plaintiff or petitioner in a civil action or proceeding alleging
10 the false reporting of child abuse or maltreatment; or (ii) in a crimi-
11 nal court for the purpose of prosecuting a violation of subdivision
12 [three] four of section [240.55] 240.50 of the penal law. Legally sealed
13 unfounded reports shall be expunged ten years after the receipt of the
14 report. [Whenever the office of children and family services determines
15 that there is some credible evidence of abuse or maltreatment as a
16 result of an investigation of a report conducted pursuant to subdivision
17 (c) of section 45.07 of the mental hygiene law, the office of children
18 and family services shall notify the commission on quality of care for
19 the mentally disabled.]

20 6. In all other cases, the record of the report to the statewide
21 central register shall be expunged ten years after the eighteenth birth-
22 day of the youngest child named in the report. In the case of a child in
23 residential care [as defined in subdivision four of section four hundred
24 twelve-a of this title,] the record of the report to the statewide
25 central register shall be expunged ten years after the reported child's
26 eighteenth birthday. In any case and at any time, the commissioner of
27 the office of children and family services may amend any record upon

1 good cause shown and notice to the subjects of the report and other
2 persons named in the report.

3 § 7-a. Subdivisions 10 and 11 of section 422 of the social services
4 law are REPEALED, and subdivision 9 and 14, subdivision 9 as amended by
5 chapter 634 of the laws of 1988, subdivision 14 as added by chapter 477
6 of the laws of 1989, are amended to read as follows:

7 9. Written notice of any expungement or amendment of any record, made
8 pursuant to the provisions of this title, shall be served forthwith upon
9 each subject of such record, other persons named in the report, the
10 commissioner, and, as appropriate, the applicable local child protective
11 service, the [commission on quality of care for the mentally disabled,
12 the division for youth] justice center for the protection of people
13 with special needs, department of education, office of mental health,
14 office [of mental retardation and] for people with developmental disa-
15 bilities, the local social services commissioner or school district
16 placing the child, any [law guardian] attorney for the child appointed
17 to represent the child whose appointment has been continued by a family
18 court judge during the term of a child's placement, and the director or
19 operator of a residential care facility or program. The local child
20 protective service or the state agency which investigated the report,
21 upon receipt of such notice, shall take the appropriate similar action
22 in regard to its child abuse and maltreatment register and records and
23 inform, for the same purpose, any other agency which received such
24 record.

25 14. The [department] office shall refer suspected cases of falsely
26 reporting child abuse and maltreatment in violation of subdivision
27 [three] four of section [240.55] 240.50 of the penal law to the appro-
28 priate law enforcement agency or district attorney.

1 § 7-b. Subdivision 1 of section 422-b of the social services law, as
2 amended by chapter 485 of the laws of 2006, is amended to read as
3 follows:

4 1. A fatality review team may be established at a local or regional
5 level, with the approval of the office of children and family services,
6 for the purpose of investigating the death of any child whose care and
7 custody or custody and guardianship has been transferred to an author-
8 ized agency, other than a vulnerable child as defined in article eleven
9 of this chapter, any child for whom child protective services has an
10 open case, any child for whom the local department of social services
11 has an open preventive services case, and in the case of a report made
12 to the statewide central register of child abuse and maltreatment
13 involving the death of a child. A fatality review team may also investi-
14 gate any unexplained or unexpected death of any child under the age of
15 eighteen.

16 § 7-c. Subdivision 8 of section 424 of the social services law, as
17 amended by chapter 477 of the laws of 1989, is amended to read as
18 follows:

19 8. refer suspected cases of falsely reporting child abuse and
20 maltreatment in violation of subdivision [three] four of section
21 [240.55] 240.50 of the penal law to the appropriate law enforcement
22 agency or district attorney;

23 § 8. Subdivisions 3, 4, 5 and 6 of section 424-a of the social
24 services law, subdivision 3 as amended by chapter 578 of the laws of
25 1997, subdivision 4 as amended by chapter 465 of the laws of 1992,
26 subdivision 5 as added by chapter 677 of the laws of 1985, paragraph (a)
27 of subdivision 5 as amended by chapter 634 of the laws of 1988 and

1 subdivision 6 as amended by chapter 587 of the laws of 1997, are amended
2 and a new subdivision 7 is added to read as follows:

3 3. For purposes of this [chapter] section, the term "provider" or
4 "provider agency" shall mean an authorized agency, the [division for
5 youth] office of children and family services, juvenile detention facil-
6 ities subject to the certification of such [division] office, programs
7 established pursuant to article nineteen-H of the executive law, non-re-
8 sidential or residential programs or facilities licensed or operated by
9 the office of mental health or the office [of mental retardation and]
10 for people with developmental disabilities except family care homes,
11 licensed child day care centers, including head start programs which are
12 funded pursuant to title V of the federal economic opportunity act of
13 nineteen hundred sixty-four, as amended, early intervention service
14 established pursuant to section twenty-five hundred forty of the public
15 health law, preschool services established pursuant to section forty-
16 four hundred ten of the education law, school-age child care programs,
17 special act school districts as enumerated in chapter five hundred
18 sixty-six of the laws of nineteen hundred sixty-seven, as amended,
19 programs and facilities licensed by the office of alcoholism and
20 substance abuse services [and], residential schools which are operated,
21 supervised or approved by the education department, and any other facil-
22 ity or provider agency, as defined in subdivision four of section four
23 hundred eighty-eight of this chapter, in regard to the employment of
24 staff, or use of providers of goods and services and staff of such
25 providers, consultants, interns and volunteers.

26 4. For purposes of this [chapter] section, the term "licensing agency"
27 shall mean an authorized agency which has received an application to
28 become an adoptive parent or an authorized agency which has received an

1 application for a certificate or license to receive, board or keep any
2 child pursuant to the provisions of section three hundred seventy-six or
3 three hundred seventy-seven of this article or an authorized agency
4 which has received an application from a relative within the second
5 degree or third degree of consanguinity of the parent of a child or a
6 relative within the second degree or third degree of consanguinity of
7 the step-parent of a child or children, or the child's legal guardian
8 for approval to receive, board or keep such child or a state or local
9 governmental agency which receives an application to provide child day
10 care services in a child day care center, school-age child care program,
11 family day care home or group family day care home pursuant to the
12 provisions of section three hundred ninety of this article, or the
13 department of health and mental hygiene of the city of New York, when
14 such department receives an application for a certificate of approval to
15 provide [family] child day care services in a child day care center
16 pursuant to the provisions of the health code of the city of New York,
17 or the office of mental health or the office [of mental retardation and]
18 for people with developmental disabilities when such office receives an
19 application for an operating certificate pursuant to the provisions of
20 the mental hygiene law to operate a family care home which will serve
21 children, or a state or local governmental official who receives an
22 application for a permit to operate a camp which is subject to the
23 provisions of article thirteen-A[,] or thirteen-B [or thirteen-C] of the
24 public health law or the [division for youth] office of children and
25 family services which has received an application for a certificate to
26 receive, board or keep any child at a foster family home pursuant to
27 articles nineteen-G and nineteen-H of the executive law or any other
28 facility or provider agency, as defined in subdivision four of section

1 four hundred eighty-eight of this chapter, in regard to any licensing or
2 certification function carried out by such facility or agency.

3 5. (a) The [department] office of children and family services, after
4 consultation with the [division for youth, the department of mental
5 hygiene, the commission on quality of care for the mentally disabled]
6 justice center for the protection of people with special needs, the
7 office of mental health, the office for people with developmental disa-
8 bilities, the office of alcoholism and substance abuse services, the
9 department of health, and the state education department shall develop
10 [guidelines] guidelines to be utilized by a provider agency, as defined
11 by subdivision three of this section, and a licensing agency, as defined
12 by subdivision four of this section, in evaluating persons about whom
13 inquiries are made to the [department] office pursuant to this section
14 who are the subjects of indicated reports of child abuse and maltreat-
15 ment, as defined by subdivision four of section four hundred twelve of
16 this chapter.

17 (b) The guidelines developed pursuant to subdivision one of this
18 section shall not [supercede] supersede similar guidelines developed by
19 local governmental agencies prior to January first, nineteen hundred
20 eighty-six.

21 6. A child care resource and referral program as defined in subdivi-
22 sion two of section four hundred ten-p of this article may inquire of
23 the [department] office of children and family services and the [depart-
24 ment] office shall, upon receipt of such inquiry and subject to the
25 provisions of paragraph (e) of subdivision one of this section, inform
26 such program and the subject of such inquiry whether any person who has
27 requested and agreed to be included in a list of substitute child day
28 care caregivers for employment by registered or licensed day care

1 providers maintained by such program in accordance with regulations
2 promulgated by the [department] office, is the subject of an indicated
3 child abuse and maltreatment report on file with the statewide central
4 register of child abuse and maltreatment. Inquiries made to the [depart-
5 ment] office by such programs pursuant to this subdivision shall be made
6 no more often than once in any six month period and no less often than
7 once in any twelve month period. Notwithstanding any provision of law to
8 the contrary, a child care resource and referral program may redisclose
9 such information only if the purpose of such redisclosure is to respond
10 to a request for such information by a registered or licensed provider
11 and only if after an individual included in the list of substitute child
12 day care caregivers for employment by registered or licensed day care
13 providers has consented to be referred for employment to such inquiring
14 agency. Upon such referral, the provisions related to notice and fair
15 hearing rights of this section shall otherwise apply. Inquiries made
16 pursuant to this subdivision shall be in lieu of the inquiry require-
17 ments set forth in paragraph (b) of subdivision one of this section.

18 7. Any facility, provider agency, or program that is required to
19 conduct an inquiry pursuant to section four hundred ninety-five of this
20 chapter shall first conduct the inquiry required under such section. If
21 the result of the inquiry under section four hundred ninety-five of this
22 chapter is that the person about whom the inquiry is made is on the
23 register of substantiated category one cases of abuse or neglect and the
24 facility or provider agency is required to deny the application in
25 accordance with article eleven of this chapter, the facility or provider
26 agency shall not be required to make an inquiry of the office under this
27 section.

1 § 8-a. Paragraph (b) and subparagraph (iv) of paragraph (e) of subdi-
2 vision 1 and paragraph (a) of subdivision 2 of section 424-a of the
3 social services law, paragraph (b) of subdivision 1 as amended by chap-
4 ter 677 of the laws of 1985, subparagraph (i) of paragraph (b) of subdi-
5 vision 1 as amended by chapter 260 of the laws of 1991, subparagraph
6 (iv) of paragraph (e) of subdivision 1 as amended by chapter 323 of the
7 laws of 2008, and paragraph (a) of subdivision 2 as amended by chapter
8 441 of the laws of 1993, are amended to read as follows:

9 (b) (i) [A] Subject to the provisions of subdivision seven of this
10 section, a provider agency shall inquire of the [department] office and
11 the [department] office shall, subject to the provisions of paragraph
12 (e) of this subdivision, inform such agency and the subject of the
13 inquiry whether any person who is actively being considered for employ-
14 ment and who will have the potential for regular and substantial contact
15 with [children] individuals who are cared for by the agency, is the
16 subject of an indicated child abuse and maltreatment report on file with
17 the statewide central register of child abuse and maltreatment prior to
18 permitting such person to have unsupervised contact with [children] such
19 individuals. Such agency may inquire of the [department] office and the
20 [department] office shall inform such agency and the subject of the
21 inquiry whether any person who is currently employed and who has the
22 potential for regular and substantial contact with [children] individ-
23 uals who are cared for by such agency is the subject of an indicated
24 child abuse and maltreatment report on file with the statewide central
25 register of child abuse and maltreatment. A provider agency shall also
26 inquire of the [department] office and the [department] office shall
27 inform such agency and the subject of the inquiry whether any person who
28 is employed by an individual, corporation, partnership or association

1 which provides goods or services to such agency who has the potential
2 for regular and substantial contact with [children] individuals who are
3 cared for by the agency, is the subject of an indicated child abuse and
4 maltreatment report on file with the statewide central register of child
5 abuse and maltreatment prior to permitting such person to have unsuper-
6 vised contact with [children] such individuals. Inquiries made to the
7 [department] office pursuant to this subparagraph by a provider agency
8 on current employees shall be made no more often than once in any six
9 month period.

10 (ii) A provider agency may inquire of the [department] office and the
11 [department] office shall, upon receipt of such inquiry and subject to
12 the provisions of paragraph (e) of this subdivision, inform such agency
13 and the subject of the inquiry whether any person who is to be hired as
14 a consultant by such agency who has the potential for regular and
15 substantial contact with [children] individuals who are cared for by the
16 agency is the subject of an indicated child abuse and maltreatment
17 report on file with the statewide central register of child abuse and
18 maltreatment.

19 (iii) A provider agency may inquire of the [department] office and the
20 [department] office shall, upon receipt of such inquiry and subject to
21 the provisions of paragraph (e) of this subdivision, inform such agency
22 and the subject of the inquiry whether any person who has volunteered
23 his or her services to such agency and who will have the potential for
24 regular and substantial contact with [children] individuals who are
25 cared for by the agency, is the subject of an indicated child abuse and
26 maltreatment report on file with the statewide central register of child
27 abuse and maltreatment.

1 (iv) The [department] office shall promulgate regulations which effec-
2 tuate the provisions of this paragraph.

3 (iv) If it is determined after a review by the office [of children and
4 family services] of all records, reports and information in its
5 possession concerning the subject of the report that there is a [fair]
6 preponderance of the evidence to find that the subject committed the act
7 or acts of child abuse or [neglect] maltreatment giving rise to the
8 indicated report, the office [of children and family services] shall
9 also determine whether such act or acts are relevant and reasonably
10 related to issues concerning the employment of the subject by a provider
11 agency or the subject being allowed to have regular and substantial
12 contact with [children] individuals cared for by a provider agency or
13 the approval or disapproval of an application which has been submitted
14 by the subject to a licensing agency, based on guidelines developed
15 pursuant to subdivision five of this section. If it is determined that
16 such act or acts are not relevant and related to such issues, the office
17 [of children and family services] shall be precluded from informing the
18 provider or licensing agency which made the inquiry to the office [of
19 children and family services] pursuant to this section that the person
20 about whom the inquiry is made is the subject of an indicated report of
21 child abuse or maltreatment.

22 (a) Upon notification by the [department] office or by a child care
23 resource and referral program in accordance with subdivision six of this
24 section that any person who has applied to a licensing agency for a
25 license, certificate or permit or who seeks to become an employee of a
26 provider agency, or to accept a child for adoptive placement or who will
27 be hired as a consultant or used as a volunteer by a provider agency, or
28 that any other person about whom an inquiry is made to the [department]

1 office pursuant to the provisions of this section is the subject of an
2 indicated report, the licensing or provider agency shall determine on
3 the basis of information it has available whether to approve such appli-
4 cation or retain the employee or hire the consultant or use the volun-
5 teer or permit an employee of another person, corporation, partnership
6 or association to have access to the [children] individuals cared for by
7 the provider agency, provided, however, that if such application is
8 approved, or such employee is retained or consultant hired or volunteer
9 used or person permitted to have access to the children cared for by
10 such agency the licensing or provider agency shall maintain a written
11 record, as part of the application file or employment record, of the
12 specific reasons why such person was determined to be appropriate to
13 receive a foster care or adoption placement or to provide day care
14 services, to be the director of a camp subject to the provisions of
15 article thirteen-A[,] or thirteen-B [or thirteen-C] of the public health
16 law, to be employed, to be retained as an employee, to be hired as a
17 consultant, used as a volunteer or to have access to the [children]
18 individuals cared for by the agency.

19 § 9. Section 424-b of the social services law, as amended by chapter
20 323 of the laws of 2008, is amended to read as follows:

21 § 424-b. Children in the care of certain public and private agencies.
22 Notwithstanding any inconsistent provisions of law, when a report of
23 child abuse or maltreatment involves a child being cared for in a home
24 operated or supervised by an authorized agency[,] or the office of chil-
25 dren and family services, [or an office of the department of mental
26 hygiene,] such report shall be accepted and maintained by the office of
27 children and family services and shall be referred for the purposes of
28 conducting an investigation to the appropriate staff within the office

1 of children and family services [or the appropriate office of the
2 department of mental hygiene,] where the child is in the care of such
3 agency; and where the child is in a home operated or supervised by an
4 authorized agency, to the social services district wherein such home is
5 located. The [agency] office or social services district receiving such
6 referral shall undertake an appropriate investigation of the report, in
7 accordance with the terms and conditions set forth in [subdivisions one
8 through eight of section four hundred twenty-four-c of] this title. Any
9 person who is alleged to have abused or maltreated a child in a report
10 accepted and referred pursuant to this section shall be accorded the
11 procedural rights set forth in section four hundred twenty-two and in
12 subdivision six of section four hundred twenty-four of this title. Noth-
13 ing in this section shall impose any duty or responsibility on any child
14 protective service pursuant to section four hundred twenty-two, four
15 hundred twenty-four or any other provision of this article.

16 § 9-a. Sections 424-c and 424-d of the social services law are
17 REPEALED.

18 § 10. Subdivision 1 of section 425 of the social services law, as
19 amended by chapter 634 of the laws of 1988, is amended to read as
20 follows:

21 1. To effectuate the purposes of this title, the commissioner may
22 request and shall receive from departments, boards, bureaus, or other
23 agencies of the state, or any of its political subdivisions, or any duly
24 authorized agency, or any other agency providing services under the
25 local child protective services plan such assistance and data as will
26 enable the department and local child protective services to fulfill
27 their responsibilities properly. [In relation to an investigation of a
28 report of abuse or maltreatment involving a child in residential care,

1 such data may include, but need not be limited to, the case records of
2 the child who allegedly was abused or maltreated and any other child who
3 allegedly witnessed the abuse or maltreatment and, consistent with
4 appropriate collective bargaining agreements and applicable provisions
5 of the civil service law, those portions of the employment record of the
6 subject of the report considered by the subject's employer to be rele-
7 vant and reasonably related to the allegations being investigated by the
8 department.] Nothing contained in this subdivision shall limit the
9 department's authority under sections three hundred seventy-two, four
10 hundred sixty-c and four hundred sixty-e of this chapter to access the
11 records of authorized agencies.

12 § 11. Section 426 of the social services law, as amended by chapter
13 676 of the laws of 1985, is amended to read as follows:

14 § 426. Annual reports. The commissioner shall prepare for inclusion in
15 the annual report required by subdivision (d) of section seventeen of
16 this chapter to be filed with the governor and the legislature prior to
17 December fifteenth of each year, a report on the operations of the state
18 central register of child abuse and maltreatment and the various local
19 child protective services. The report shall include a full statistical
20 analysis of the reports made to the central register together with a
21 report on the implementation of this title, his or her evaluation of
22 services offered under this chapter and his or her recommendations for
23 additional legislation to fulfill the purposes of this title. Such
24 report shall indicate the number of child abuse and maltreatment reports
25 and cases received by the statewide central register of child abuse and
26 maltreatment by each district in the preceding year, the number of such
27 cases determined to have been indicated and the number of such cases
28 determined to be unfounded by each district in the preceding year, the

1 number of such cases which have not been indicated or unfounded within
2 the time period required by subdivision seven of section four hundred
3 twenty-four of this [chapter] article by each district in the preceding
4 year and the number of workers assigned to the child protective service
5 in each district in the preceding year. [The report shall also contain
6 data on the protection of children in residential care from abuse and
7 maltreatment, including reports received, results of investigations by
8 types of facilities and programs, types of corrective action taken, as
9 well as efforts undertaken by the department, the division for youth
10 and the state education department to provide training pursuant to stan-
11 dards established by section four hundred sixty-two of this chapter,
12 section five hundred one of the executive law and sections forty-four
13 hundred three, forty-three hundred fourteen, forty-three hundred fifty-
14 eight and forty-two hundred twelve of the education law.]

15 § 11-a. Section 426 of the social services law, as amended by chapter
16 377 of the laws of 2011, is amended to read as follows:

17 § 426. Annual reports. The commissioner shall prepare for inclusion in
18 the annual report required by subdivision (d) of section seventeen of
19 this chapter to be filed with the governor and the legislature prior to
20 December fifteenth of each year, a report on the operations of the state
21 central register of child abuse and maltreatment and the various local
22 child protective services. The report shall include a full statistical
23 analysis of the reports made to the central register together with a
24 report on the implementation of this title, his or her evaluation of
25 services offered under this chapter and his or her recommendations for
26 additional legislation to fulfill the purposes of this title. Such
27 report shall indicate the number of child abuse and maltreatment reports
28 and cases received by the statewide central register of child abuse and

1 maltreatment by each district in the preceding year, the number of such
2 cases determined to have been indicated and the number of such cases
3 determined to be unfounded by each district in the preceding year, the
4 number of such cases which have not been indicated or unfounded within
5 the time period required by subdivision seven of section four hundred
6 twenty-four of this [chapter] article by each district in the preceding
7 year and the number of workers assigned to the child protective service
8 in each district in the preceding year. Such report shall include, among
9 other information, available demographic information and available
10 information concerning the racial and ethnic characteristics of the
11 family members and persons served by the differential response program
12 pursuant to section four hundred twenty-seven-a of the social services
13 law, as well as available information concerning the racial and ethnic
14 characteristics of the family members and persons serviced under the
15 traditional child protective services program, in each local social
16 services district in the state. [The report shall also contain data on
17 the protection of children in residential care from abuse and maltreat-
18 ment, including reports received, results of investigations by types of
19 facilities and programs, types of corrective action taken, as well as
20 efforts undertaken by the department, the division for youth and the
21 state education department to provide training pursuant to standards
22 established by section four hundred sixty-two of this chapter, section
23 five hundred one of the executive law and sections forty-four hundred
24 three, forty-three hundred fourteen, forty-three hundred fifty-eight and
25 forty-two hundred twelve of the education law.]

26 § 12. Section 460 of the social services law, as added by chapter 669
27 of the laws of 1977, is amended to read as follows:

1 § 460. Declaration of policy and statement of purpose. Residential
2 care programs for adults and children of the highest quality, efficient-
3 ly produced and properly utilized at a reasonable cost, are a matter of
4 vital concern to the people of this state. In order to more effectively
5 protect and assure the life, health, safety and comfort of adults and
6 children who must be cared for away from their own homes, the department
7 of social services acting directly or through social services districts,
8 and with the cooperation of other state agencies, shall have the compre-
9 hensive responsibility for the development and administration of
10 programs, standards and methods of operation, and all other matters of
11 state policy, with respect to residential care programs for children and
12 adults and all facilities and agencies, whether public or private, which
13 are subject to the provisions of this article. For the purposes of this
14 article, with respect to residential care programs for children, the
15 term "department" shall mean the office of children and family services
16 and with respect to residential care programs for adults, the term shall
17 mean the office of children and family services in relation to family
18 type homes for adults and residential programs for victims of domestic
19 violence, the office of temporary and disability assistance in relation
20 to shelters for adults and shelters for families; and the department of
21 health in relation to all other residential care programs for adults.

22 § 13. Subdivision 2-a of section 460-c of the social services law, as
23 amended by chapter 32 of the laws of 1992 and paragraphs (a) and (b) as
24 amended by chapter 323 of the laws of 2008, is amended to read as
25 follows:

26 2-a. Special procedures relating to abuse and neglect of [children in
27 residential care] vulnerable persons. (a) If the report of an investi-
28 gation of [child] abuse or [maltreatment] neglect is [indicated]

1 substantiated in accordance with article eleven of this chapter, the
2 director or operator of a residential facility or program[, including a
3 program described in paragraph (j) of subdivision four of section four
4 hundred twelve-a of this chapter,] shall submit to the [office of chil-
5 dren and family services] department, within ten business days of
6 receipt of notice of the [indicated] substantiated report, a written
7 plan of prevention and remediation to be taken with respect to the
8 subject of [the indicated] such report to [assure] protect the continued
9 health [and], safety and welfare of [children] the service recipients
10 and provide for the prevention of future acts of abuse or [maltreatment]
11 neglect. The [office of children and family services] department shall
12 approve or disapprove such plan and specify necessary revisions within
13 ten days of its receipt and shall monitor its implementation pursuant to
14 the provisions of this chapter.

15 (b) In the event an investigation of a report of alleged [child] abuse
16 or [maltreatment] neglect determines that [some credible] a preponder-
17 ance of evidence of abuse or [maltreatment] neglect exists and such
18 abuse or [maltreatment] neglect may be attributed in whole or in part to
19 noncompliance by the facility or program[, including a program described
20 in paragraph (j) of subdivision four of section four hundred twelve-a of
21 this chapter,] with provisions of this chapter or regulations of the
22 [office of children and family services] department applicable to the
23 operation of such residential facility or program, the director or oper-
24 ator of such facility or program shall, in consultation with officials
25 of the department responsible for the approval of operating certificates
26 and for monitoring the provision of protective services to [children]
27 service recipients, develop a plan of prevention and remediation which
28 shall be submitted to and approved by the [office of children and family

1 services] department in accordance with time limits established by regu-
2 lations of the [office of children and family services] department.
3 Implementation of such plan shall be jointly monitored by officials of
4 the [office of children and family services] department responsible for
5 the approval of operating certificates and for monitoring the provision
6 of protective services to [children] service recipients. In reviewing
7 the continuing qualification of a residential [child care] facility or
8 program for an operating certificate, the [office of children and family
9 services] department shall evaluate such facility's or program's compli-
10 ance with plans of prevention and remediation developed and implemented
11 pursuant to this section.

12 (c) Development and implementation of plans pursuant to this section
13 shall, to the extent possible, be coordinated with remediation plans
14 required by local social services districts.

15 § 14. Section 461-m of the social services law, as amended by chapter
16 462 of the laws of 1996, is amended to read as follows:

17 § 461-m. Death and felony crime reporting. The operator of an adult
18 home or residence for adults shall have an affirmative duty to report
19 any death, or attempted suicide of a resident to the department within
20 twenty-four hours of its occurrence, and shall also have an affirmative
21 duty to report to an appropriate law enforcement authority if it is
22 believed that a felony crime may have been committed against a resident
23 of such facility as soon as possible, or in any event within forty-eight
24 hours. In addition, the operator shall send any reports involving a
25 resident who had at any time received services from a mental hygiene
26 service provider to the [state commission on quality of care for the
27 mentally disabled] justice center for the protection of people with
28 special needs.

1 § 15. Section 461-o of the social services law, as added by chapter
2 462 of the laws of 1996, is amended to read as follows:

3 § 461-o. Complaint investigation procedures. The department shall
4 establish procedures governing the receipt and investigation of
5 complaints regarding the care afforded to residents of adult care facil-
6 ities consistent with article eleven of this chapter, as applicable.
7 Such procedures shall assure the confidentiality of the complainant.
8 Such procedures shall include but not be limited to the procedures for
9 reporting complaints, either in writing or orally to the department, and
10 the time frames governing the investigation of any such complaints
11 submitted to the department. Provided however, if any complaint alleges
12 the abuse or neglect of a resident or involves an incident that exposes
13 a resident to cruel or unsafe care or otherwise represents a serious
14 resident care issue, the department shall ensure that an investigation
15 of any such complaint is initiated immediately and in no event commenced
16 less than seventy-two hours from the time such complaint is received by
17 the department. Upon the conclusion of the investigation by the depart-
18 ment the operator and the complainant shall be notified in writing of
19 the results of such investigation or, as applicable, pursuant to article
20 eleven of this chapter.

21 § 16. Section 462 of the social services law, as added by chapter 669
22 of the laws of 1977, subdivision 1 as amended by chapter 677 of the laws
23 of 1985, paragraphs (b) and (c) of subdivision 1 as amended by chapter
24 32 of the laws of 1992, paragraph (f) of subdivision 1 as added by chap-
25 ter 472 of the laws of 2004, paragraph (a) of subdivision 2 as amended
26 by chapter 800 of the laws of 1985 and paragraph (b) of subdivision 2 as
27 amended by chapter 558 of the laws of 1999, is amended to read as
28 follows:

1 § 462. Responsibility for standards. 1. (a) The [department of social
2 services] office of children and family services shall promulgate regu-
3 lations concerning standards of care and treatment and fiscal, adminis-
4 trative, nutritional, architectural and safety standards, consistent
5 with the provisions of section three hundred ninety-eight-a of this
6 chapter, which shall apply to all facilities exercising care or custody
7 of children or providing care or shelter to unmarried mothers.

8 (b) With respect to facilities exercising care or custody of children,
9 no license or operating certificate shall be provided or renewed unless
10 it can be demonstrated that such facilities comply with regulations for
11 the prevention and remediation of [abuse and maltreatment of] reportable
12 incidents involving children in such facilities, including procedures
13 for:

14 (i) consistent with appropriate collective bargaining agreements and
15 applicable provisions of the civil service law, [the review and evalu-
16 ation of the backgrounds of and the information supplied by any person
17 applying to be an employee, a volunteer or consultant, which shall
18 include but not be limited to the following requirements: that the
19 applicant set forth his or her employment history, provide personal and
20 employment references, relevant experiential and educational information
21 and sign a sworn statement indicating whether the applicant to the best
22 of his or her knowledge, has ever been convicted of a crime in this
23 state or any other jurisdiction] assisting the justice center for the
24 protection of people with special needs with its review and evaluation
25 of criminal background checks of prospective employees, as set forth in
26 subdivision five of section five hundred fifty-three of the executive
27 law;

1 (ii) establishing, for employees, relevant minimal experiential and
2 educational qualifications consistent with appropriate collective
3 bargaining agreements and applicable provisions of the civil service
4 law;

5 (iii) assuring adequate and appropriate supervision of employees,
6 volunteers and consultants;

7 (iv) demonstrating by a residential facility or program that appropri-
8 ate action is taken to assure the safety of the child who is reported
9 pursuant to article eleven of this chapter to the [state] vulnerable
10 persons' central register [of child abuse and maltreatment] as well as
11 other children in care, immediately upon notification that a report of
12 [child abuse or maltreatment] a reportable incident has been made with
13 respect to a child in such facility or program;

14 (v) consistent with applicable collective bargaining agreements,
15 assuring that an individual who has committed a category one offense, as
16 defined in paragraph (a) of subdivision five of section four hundred
17 ninety-three of this chapter, that is included on the vulnerable
18 persons' central register is not hired or otherwise used in any position
19 in which such individual would have regular and substantial contact with
20 a service recipient in any program operated, licensed or certified by
21 the office;

22 (vi) removing a child, consistent as applicable with any court order
23 placing the child, when it is determined that there is risk to such
24 child if he or she continues to remain within a facility or program;

25 [(vi)] (vii) appropriate preventive and remedial action to be taken
26 including legal actions, consistent with appropriate collective bargain-
27 ing agreements and applicable provisions of the civil service law.

1 (c) With respect to facilities exercising care or custody of children
2 such standards shall establish as a priority that:

3 (i) subject to the amounts appropriated therefor, administrators,
4 employees, volunteers and consultants receive training in at least the
5 following: child abuse prevention and identification, safety and securi-
6 ty procedures, the principles of child development, the characteristics
7 of children in care and techniques of group and child management includ-
8 ing crisis intervention, the laws, regulations and procedures governing
9 the protection of children from abuse and [maltreatment] neglect, and
10 other appropriate topics, provided however, that the [department] office
11 may exempt administrators and consultants of such facilities or programs
12 from such requirements upon demonstration of substantially equivalent
13 knowledge or experience; and

14 (ii) subject to the amounts appropriated therefor, children receive
15 instruction, consistent with their age, needs and circumstances as well
16 as the needs and circumstances within the facility or program, in tech-
17 niques and procedures which will enable such children to advocate for
18 and protect themselves from [abuse and maltreatment] reportable inci-
19 dents; and

20 (iii) the [department] office, in consultation with the executive
21 director of the justice center for persons with special needs, shall
22 take all reasonable and necessary actions to assure that employees,
23 volunteers and consultants in residential care facilities and programs
24 are kept apprised on a current basis of all [department] office policies
25 and procedures relating to the protection of children from [abuse and
26 maltreatment] reportable incidents, and shall monitor and supervise the
27 provision of training to such administrators, employees, volunteers,
28 children and consultants.

1 (d) Such regulations shall be developed in consultation with other
2 state departments and agencies responsible for human services programs
3 including, but not limited to, the department of education, the depart-
4 ment of health, [the department of mental hygiene, the division for
5 youth and the board of social welfare,] the office of mental health, the
6 office for people with developmental disabilities, the office of alco-
7 holism and substance abuse services and the justice center for the
8 protection of people with special needs and shall, to the extent possi-
9 ble, be consistent with those promulgated by other state agencies for
10 such purposes.

11 (e) This subdivision shall not apply to facilities operated by or
12 certified or licensed to operate by another state agency.

13 (f) No residential institution for children as defined in subdivision
14 forty-four of section sixteen hundred seventy-six of the public authori-
15 ties law shall enter into a lease, sub-lease or other agreement with the
16 dormitory authority pursuant to subdivision forty of section sixteen
17 hundred eighty of the public authorities law unless and until:

18 (i) the office of children and family services, the director of the
19 division of the budget and any other state agency which licenses such
20 residential institutions for children first determines that the project
21 is necessary to address health and safety needs of children at the
22 institution, approve the project cost upon determination that such costs
23 are reasonable, necessary and cost effective based upon the application
24 of cost per square foot guidelines and any other standards applicable to
25 the type of program or to the clinically-required needs of a specialized
26 group of children to be served by the project; and

27 (ii) the office of children and family services or such other state
28 agency which licenses such residential institution for children approves

1 the plans and specifications of the residential facilities to be
2 replaced, reconstructed, rehabilitated, improved, renovated, or other-
3 wise provided for, furnished or equipped.

4 2. (a) The [division for youth] office shall establish regulations
5 governing secure and non-secure detention facilities subject to article
6 nineteen-G of the executive law and residential facilities operated as
7 approved runaway programs or transitional independent living support
8 programs pursuant to article nineteen-H of the executive law.

9 (b) The appropriate offices of the state department of mental hygiene
10 shall establish regulations governing all child care facilities subject
11 to articles [twenty-three,] thirty-one and thirty-two of the mental
12 hygiene law.

13 (c) The department of mental hygiene and the [division for youth]
14 office shall propose any additional standards as are deemed necessary to
15 adequately ensure the care of children in facilities subject to the
16 inspection and supervision of the department, which care for a signif-
17 icant number of mentally disabled children, juvenile delinquents or
18 persons in need of supervision. The final form of any such additional
19 standards shall be subject to the approval of the department of mental
20 hygiene for such standards related to the care of mentally disabled
21 children, or the [division for youth] office for such standards related
22 to the care of juvenile delinquents and persons in need of supervision.

23 § 16-a. Section 462-a of the social services law, as added by chapter
24 669 of the laws of 1977, subdivision 1 as amended by chapter 465 of the
25 laws of 1992, subdivision 2 as amended by chapter 558 of the laws of
26 1999, subdivision 3 as amended by chapter 163 of the laws of 1992, is
27 amended to read as follows:

1 § 462-a. Responsibility for inspection and supervision. 1. The [divi-
2 sion for youth] office of children and family services shall inspect and
3 supervise secure and non-secure detention facilities and those [division
4 for youth] office of children and family services residential facilities
5 authorized by article nineteen-G of the executive law and those residen-
6 tial facilities operated as approved runaway programs or transitional
7 independent living support programs pursuant to article nineteen-H of
8 the executive law.

9 2. The appropriate offices of the state department of mental hygiene
10 shall inspect and supervise those facilities subject to articles [twen-
11 ty-three,] thirty-one and thirty-two of the mental hygiene law.

12 3. For those facilities which care for a significant number of mental-
13 ly disabled children, the department shall enter into written cooper-
14 ative agreements no later than October first, nineteen hundred seventy-
15 seven with the department of mental hygiene for joint inspection and
16 supervision of such facilities, as appropriate.

17 4. The [department of social services] office of children and family
18 services shall inspect and supervise all other child care facilities
19 subject to its regulation.

20 § 16-b. Section 462-b of the social services law, as added by chapter
21 669 of the laws of 1977, subdivision 1 as amended by chapter 465 of the
22 laws of 1992, subdivision 2 as amended by chapter 558 of the laws of
23 1999, subdivision 3 as amended by chapter 163 of the laws of 1992, is
24 amended to read as follows:

25 § 462-b. Responsibility for enforcement. 1. The [division for youth]
26 office of children and family services shall exercise the enforcement
27 powers enumerated in section four hundred sixty-d of this article which
28 may apply to secure and non-secure detention facilities and to those

1 [division for youth] office of children and family services residential
2 facilities authorized by article nineteen-G of the executive law and
3 those residential facilities operated as approved runaway programs or
4 transitional independent living support programs pursuant to article
5 nineteen-H of the executive law.

6 2. The appropriate offices of the state department of mental hygiene
7 shall exercise the enforcement powers enumerated in section four hundred
8 sixty-d of this article which may apply to those facilities subject to
9 articles [twenty-three,] thirty-one and thirty-two of the mental hygiene
10 law.

11 3. With respect to facilities which care for a significant number of
12 mentally disabled children, the department shall enter into written
13 cooperative agreements no later than October first, nineteen hundred
14 seventy-seven with the department of mental hygiene establishing circum-
15 stances under which the department will at the request of the department
16 of mental hygiene act to limit or modify the operating certificate of
17 any facility so as to preclude such facility from accepting, caring for
18 or continuing to care for mentally disabled children.

19 4. The [department of social services] office of children and family
20 services shall exercise the enforcement powers enumerated in section
21 four hundred sixty-d of this article with respect to all other child
22 caring facilities subject to its regulation either independently or at
23 the request of the department of mental hygiene [or the division for
24 youth].

25 § 17. This act shall take effect June 30, 2013; provided, however,
26 that the amendments to section 426 of the social services law made by
27 section eleven-a of this act shall take effect on the same date as
28 section 6 of chapter 377 of the laws of 2011 takes effect; provided

1 further, that effective immediately, the addition, amendment or repeal
2 of any rule or regulation necessary for the implementation of this act
3 on its effective date are authorized to be made and completed on or
4 before such effective date.

5 PART E

6 Section 1. Subdivision 5 of section 1125 of the education law, as
7 added by chapter 180 of the laws of 2000, is amended to read as follows:

8 5. "Educational setting" shall mean the building and grounds of a
9 public school district, the vehicles provided by the school district for
10 the transportation of students to and from school buildings, field
11 trips, co-curricular and extra-curricular activities both on and off
12 school district grounds, all co-curricular and extra-curricular activity
13 sites, and any other location where direct contact between an employee
14 or volunteer and a child has allegedly occurred. Such term shall not
15 include a special act school district as defined in section four thou-
16 sand one of this chapter which shall be subject to article eleven of the
17 social services law.

18 § 1-a. Subdivisions (a), (b) and (c) of section 4212 of the education
19 law, as amended by chapter 32 of the laws of 1992, are amended to read
20 as follows:

21 (a) Promulgate regulations concerning standards for the protection of
22 children in residential care from [abuse and maltreatment] reportable
23 incidents in accordance with this section and article eleven of the
24 social services law, including procedures for:

25 (i) consistent with appropriate collective bargaining agreements and
26 applicable provisions of the civil service law, the review and evalu-

1 ation of the backgrounds of and the information supplied by any person
2 applying to be an employee, a volunteer or consultant, which shall
3 include but not be limited to the following requirements: that the
4 applicant set forth his or her employment history, provide personal and
5 employment references, and relevant experiential and educational infor-
6 mation, and sign a sworn statement indicating whether the applicant, to
7 the best of his or her knowledge, has ever been convicted of a crime in
8 this state or any other jurisdiction;

9 (ii) establishing, for employees, relevant minimal experiential and
10 educational qualifications, consistent with appropriate collective
11 bargaining agreements and applicable provisions of the civil service
12 law;

13 (iii) assuring adequate and appropriate supervision of employees,
14 volunteers and consultants;

15 (iv) demonstrating by a residential facility or program that appropri-
16 ate action is taken to assure the safety of the child who is [reported]
17 alleged to have been subjected to a reportable incident in a report to
18 the [state] vulnerable persons' central register in accordance with
19 section four hundred ninety-two of the social services law as well as
20 other children in care, immediately upon notification that such a report
21 of [child abuse or maltreatment] an allegation of a reportable incident
22 has been made with respect to a child in such residential facility or
23 program;

24 (v) removing a child when it is determined that there is risk to such
25 child if he or she continues to remain within a residential facility or
26 program; and

1 (vi) appropriate preventive and remedial action to be taken including
2 legal actions, consistent with appropriate collective bargaining agree-
3 ments and applicable provisions of the civil service law.

4 (vii) consistent with applicable collective bargaining agreements,
5 assuring that an individual who has committed a category one offense, as
6 defined in paragraph (a) of subdivision four of section four hundred
7 ninety-three of the social services law, that is included on the vulner-
8 able persons' central register is not hired or otherwise used in any
9 position in which such individual would have regular and substantial
10 contact with a service recipient in any program described in paragraph
11 (e) of subdivision four of section four hundred eighty-eight of the
12 social services law.

13 Such standards shall also establish as a priority requirements that:

14 (A) subject to the amounts appropriated therefor, administrators,
15 employees, volunteers and consultants receive training in at least the
16 following: child abuse prevention and identification, safety and securi-
17 ty procedures, the principles of child development, the characteristics
18 of children in care and techniques of group and child management includ-
19 ing crisis intervention, the laws, regulations and procedures governing
20 the protection of children from [abuse and maltreatment] reportable
21 incidents, and other appropriate topics, provided, however, that the
22 department may exempt administrators and consultants from such require-
23 ments upon demonstration of substantially equivalent knowledge or expe-
24 rience; and

25 (B) subject to the amounts appropriated therefor, children receive
26 instruction, consistent with their age, needs and circumstances as well
27 as the needs and circumstances within the program, in techniques and

1 procedures which will enable such children to protect themselves from
2 [abuse and maltreatment] reportable incidents.

3 The department shall take all reasonable and necessary actions to
4 assure that employees, volunteers and consultants in residential facili-
5 ties and programs are kept apprised on a current basis of all department
6 policies and procedures relating to the protection of children from
7 [abuse and maltreatment] reportable incidents, and shall monitor and
8 supervise the provision of training to such employees, volunteers and
9 consultants. Regulations and standards developed pursuant to this subdi-
10 vision shall, to the extent possible, be consistent with those promul-
11 gated by other state agencies for such purposes.

12 (b) [Cooperate with the state department of social services to protect
13 the health and safety of pupils at the school pursuant to title six of
14 article six of the social services law. Such cooperation shall include:
15 the making of reports of alleged child abuse or maltreatment; providing
16 necessary assistance to the state department of social services in the
17 department's investigation thereof and considering the recommendations
18 of the state department of social services for preventive and remedial
19 action including legal action and provide or direct the residential
20 facility to provide such written reports thereon to the department of
21 social services as to the implementation of plans of prevention and
22 remediation approved by the department of education; and

23 (c) Provide for the development and implementation of a plan of
24 prevention and remediation with respect to [an indicated] a substanti-
25 ated report of [child abuse or maltreatment] a reportable incident.
26 Such action shall include: (i) within ten days of receipt of [an indi-
27 cated] such a report of [child abuse or maltreatment] a reportable inci-
28 dent, development and implementation of a plan of prevention and remedi-

1 ation to be taken with respect to a custodian or the residential
2 facility in order to assure the continued health and safety of children
3 and to provide for the prevention of future acts [of abuse or maltreat-
4 ment] constituting reportable incidents; and (ii) development and imple-
5 mentation of a plan of prevention and remediation, in the event an
6 investigation of a report of an alleged [child abuse or maltreatment]
7 reportable incident determines that some credible evidence of [abuse or
8 maltreatment] such reportable incident exists and such [abuse or
9 maltreatment] reportable incident may be attributed in whole or in part
10 to noncompliance by the residential facility or program with provisions
11 of this chapter or regulations of the department applicable to the oper-
12 ation of a residential facility or program. Any plan of prevention and
13 remediation required to be developed [pursuant to paragraph (ii) of this
14 subdivision] by a facility supervised by the department shall be submit-
15 ted to and approved by the department in accordance with time limits
16 established by regulations of the department. Implementation of the plan
17 shall be monitored by the department. In reviewing the continued quali-
18 fications of a residential facility or program for an operating certifi-
19 cate, the department shall evaluate such facility's compliance with
20 plans of prevention and remediation developed and implemented pursuant
21 to this subdivision.

22 § 2. Section 4314 of the education law, as added by chapter 677 of the
23 laws of 1985, subdivisions (a), (b) and (c) as amended by chapter 32 of
24 the laws of 1992, is amended to read as follows:

25 § 4314. Protection of pupils. The department shall:

26 (a) Promulgate regulations concerning standards for the protection of
27 children in residential care from [abuse and maltreatment] reportable

1 incidents in accordance with this section and article eleven of the
2 social services law, including procedures for:

3 (i) consistent with appropriate collective agreements and applicable
4 provisions of the civil service law, the review and evaluation of the
5 backgrounds of and the information supplied by any person applying to be
6 an employee, a volunteer or consultant, which shall include but not be
7 limited to the following requirements: that the applicant set forth his
8 or her employment history, provide personal and employment references,
9 and relevant experiential and educational information, and sign a sworn
10 statement indicating whether the applicant, to the best of his or her
11 knowledge, has ever been convicted of a crime in this state or any other
12 jurisdiction;

13 (ii) establishing for employees, relevant minimal experiential and
14 educational qualifications consistent with appropriate collective
15 bargaining agreements and applicable provisions of the civil service
16 law;

17 (iii) assuring adequate and appropriate supervision of employees,
18 volunteers and consultants;

19 (iv) demonstrating by a residential facility or program that appropri-
20 ate action is taken to assure the safety of the child who is [reported]
21 alleged to have been subjected to a reportable incident in a report to
22 the [state] vulnerable persons' central register in accordance with
23 section four hundred ninety-two of the social services law as well as
24 other children in care, immediately upon notification that such a report
25 of [child abuse or maltreatment] an allegation of a reportable incident
26 has been made [with respect to a child in such residential facility or
27 program];

1 (v) removing a child when it is determined that there is risk to such
2 child if he or she continues to remain within a residential facility or
3 program; and

4 (vi) appropriate preventive and remedial action to be taken including
5 legal actions, consistent with appropriate collective bargaining agree-
6 ments and applicable provisions of the civil service law.

7 Such standards shall also establish as a priority requirements that:

8 (1) subject to the amounts appropriated therefor, administrators,
9 employees, volunteers and consultants receive training in at least the
10 following: child abuse prevention and identification, safety and secu-
11 rity procedures, the principles of child development, the character-
12 istics of children in care and techniques of group and child management
13 including crisis intervention, the laws, regulations and procedures
14 governing the protection of children from [abuse and maltreatment]
15 reportable incidents, and other appropriate topics, provided however,
16 that the department may exempt administrators and consultants from such
17 requirements upon demonstration of substantially equivalent knowledge or
18 experience; and

19 (2) subject to the amounts appropriated therefor, children receive
20 instruction, consistent with their age, needs and circumstances as well
21 as the needs and circumstances within the facility or program, in tech-
22 niques and procedures which will enable such children to protect them-
23 selves from [abuse and maltreatment] reportable incidents.

24 The department, in consultation with the executive director of the
25 justice center for the protection of people with special needs, shall
26 take all reasonable and necessary actions to assure that employees,
27 volunteers and consultants in residential facilities are kept apprised
28 on a current basis of all department policies and procedures relating to

1 the protection of children from [abuse and maltreatment] reportable
2 incidents and shall monitor and supervise the provision of training to
3 such employees, volunteers and consultants. Regulations and standards
4 developed pursuant to this section shall, to the extent possible, be
5 consistent with those promulgated by other state agencies for such
6 purposes;

7 (b) [Cooperate with the state department of social services to protect
8 the health and safety of pupils at the school pursuant to title six of
9 article six of the social services law. Such cooperation shall include:
10 the making of reports of alleged child abuse or maltreatment; providing
11 necessary assistance to the state department of social services in the
12 department's investigation thereof and considering the recommendations
13 of the state department of social services for preventive and remedial
14 action including legal action and provide or direct the residential
15 facility to provide such written reports thereon to the department of
16 social services as to the implementation of plans of prevention and
17 remediation approved by the department; and

18 (c) Provide for the development and implementation of a plan of
19 prevention and remediation with respect to [an indicated] a substanti-
20 ated report of [child abuse or maltreatment] a reportable incident.
21 Such action shall include: (i) within ten days of receipt of [an indi-
22 cated] such a report of [child abuse or maltreatment] a reportable inci-
23 dent, development and implementation of a plan of prevention and remedi-
24 ation to be taken with respect to a custodian or the residential
25 facility in order to assure the continued health and safety of children
26 and to provide for the prevention of future acts [of abuse or maltreat-
27 ment] constituting reportable incidents; and (ii) development and imple-
28 mentation of a plan of prevention and remediation, in the event an

1 investigation of a report of an alleged [child abuse or maltreatment]
2 reportable incident determines that some credible evidence of [abuse or
3 maltreatment] such reportable incident exists and such [abuse or
4 maltreatment] reportable incident may be attributed in whole or in part
5 to noncompliance by the residential facility or program with provisions
6 of this chapter or regulations of the department applicable to the oper-
7 ation of such residential facility or program. Any plan of prevention
8 and remediation required to be developed pursuant to [paragraph (ii) of]
9 this subdivision by a facility supervised by the department shall be
10 submitted to and approved by the department in accordance with time
11 limits established by regulations of the department. Implementation of
12 the plan shall be monitored by the department. In reviewing the contin-
13 ued qualifications of a residential facility or program for an operating
14 certificate, the department shall evaluate such facility's compliance
15 with plans of prevention and remediation developed and implemented
16 pursuant to this subdivision.

17 § 3. Section 4358 of the education law, as added by chapter 677 of the
18 laws of 1985, subdivisions (a), (b) and (c) as amended by chapter 32 of
19 the laws of 1992, is amended to read as follows:

20 § 4358. Protection of pupils. The department shall:

21 (a) Promulgate regulations concerning standards for the protection of
22 children in residential care from [abuse and maltreatment] reportable
23 incidents in accordance with this section and article eleven of the
24 social services law, including procedures for:

25 (i) consistent with appropriate collective bargaining agreements and
26 applicable provisions of the civil service law, the review and evalu-
27 ation of the backgrounds of and the information supplied by any person
28 applying to be an employee, a volunteer or consultant, which shall

1 include but not be limited to the following requirements: that the
2 applicant set forth his or her employment history, provide personal and
3 employment references and relevant experiential and educational informa-
4 tion, and sign a sworn statement indicating whether the applicant, to
5 the best of his or her knowledge, has ever been convicted of a crime in
6 this state or any other jurisdiction;

7 (ii) establishing, for employees, relevant minimal experiential and
8 educational qualifications, consistent with appropriate collective
9 bargaining agreements and applicable provisions of the civil service
10 law;

11 (iii) assuring adequate and appropriate supervision of employees,
12 volunteers and consultants;

13 (iv) demonstrating by a residential facility or program that appropri-
14 ate action is taken to assure the safety of the child who is [reported]
15 alleged to have been subjected to a reportable incident in a report to
16 the [state] vulnerable persons' central register in accordance with
17 section four hundred ninety-two of the social services law as well as
18 other children in care, immediately upon notification that such a report
19 of [child abuse or maltreatment] an allegation of a reportable incident
20 has been made [with respect to a child in such facility or program];

21 (v) removing a child when it is determined that there is risk to such
22 child if he or she continues to remain within a facility or program; and

23 (vi) appropriate preventive and remedial action to be taken including
24 legal actions, consistent with appropriate collective bargaining agree-
25 ments and applicable provisions of the civil service law.

26 Such standards shall also establish as a priority requirements that:

27 (A) subject to the amounts appropriated therefor, administrators,
28 employees, volunteers and consultants receive training in at least the