



# 2018 New York State YMCA

## Youth And Government

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FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Senate 5

Bill #: S-32

1 **Sponsors:** Elizabeth Gilbert, Ellis Han

2

3 **An Act To**

4 Amend Social Services §413 to impose regulations on courses required to maintain  
5 certification as a mandated reporter

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

7

8 **Purpose**

9 The purpose of this bill is to mandate training every five years in child abuse,  
10 maltreatment symptoms, and reporting techniques for all mandated reporters.

11

12 **Summary of Provisions**

13 **Section 1: Definitions**

14 "Mandated reporter" shall mean a custodian or a human services  
15 professional, but shall not include a service recipient.

16 "Abused child" means a child less than eighteen years of age  
17 whose parent or other person legally responsible for his care

18 (i) inflicts or allows to be inflicted upon such child physical injury  
19 by other than accidental means which causes or creates a substantial  
20 risk of death, or serious or protracted disfigurement, or protracted  
21 impairment of physical or emotional health or protracted loss or  
22 impairment of the function of any bodily organ, or

23 (ii) creates or allows to be created a substantial risk of physical  
24 injury to such child by other than accidental means which would be  
25 likely to cause death or serious or protracted disfigurement, or  
26 protracted impairment of physical or emotional health or protracted loss  
27 or impairment of the function of any bodily organ, or

28 (iii) commits, or allows to be committed, an act of sexual abuse  
29 against such child as defined in the penal law.

30 Maltreatment occurs when the parent or legal guardian harms the child by failing to  
31 meet the minimum standard of care in terms of: food, clothing, shelter, education,  
32 or medical care, when financially capable of meeting the minimum standard.

33 Excessive use of drugs or alcohol by the parent which impedes their ability to  
34 adequately supervise the child in their care is also considered maltreatment.

35 **Section 2:**

36 (a) Any person, institution, school, facility, agency, organization, partnership or  
37 corporation which employs persons mandated to report suspected incidents of child  
38 abuse, or maltreatment pursuant to subdivision one of this section shall provide  
39 consistent with section four hundred twenty-one of this chapter, all such current



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40 and new employees with written information explaining the reporting requirements  
41 set out in subdivision one of this section and in sections four hundred fifteen  
42 through four hundred twenty of this title. The employers shall be responsible for the  
43 costs associated with printing and distributing the written information.

44 (b)Any person mandated to report suspected incidents of child abuse or  
45 maltreatment pursuant to subdivision one of this section shall complete a state-  
46 approved two hour training course in child abuse every five years to maintain their  
47 certification. If they fail to complete the requirements, they must be removed from  
48 their position until they have completed the required training.

49

#### 50 **Justification**

51 By requiring courses for mandated reporters every five years, all mandated  
52 reporters will be more knowledgeable on symptoms of child abuse and of new  
53 trends that endanger the welfare of children. For example, child trafficking is a  
54 fairly new threat, but some mandated reporters may not be well aware of the  
55 symptoms specific to child trafficking, which leaves those children in dangerous  
56 situations with no one aware of what is happening.

57

#### 58 **Fiscal Implications**

59 This bill would lower the costs associated with child abuse by preventing it at an  
60 earlier point and causing less physical damage to the children which would lower  
61 medical costs. Also, the costs of public assistance could decrease as approximately  
62 thirty eight percent of women on public assistance suffered from sexual child abuse  
63 at some point. In addition, the training is free so there will not need to be a tax  
64 increase to cover training.

65

#### 66 **Effective Date**

67 This bill will go into effect twelve months after passage.