



# 2017 Annual Report of the New York State Senate

Standing Committee on Children and Families

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Senator Tony Avella

*Chairman*



March 2018

Honorable John Flanagan  
Temporary President and Majority Leader  
909 LOB  
Albany, NY 12247

Honorable Jeffrey Klein  
Senate Coalition Leader and Independent Democratic Conference Leader  
913 LOB  
Albany, NY 12247

Dear Senators Flanagan and Klein:

It was my honor to serve as Chairman of the Senate Standing Committee on Children and Families during 2017. Pursuant to Rule VIII, Section 5(d), I am pleased to present you with the Committee's 2017 Annual Report.

The Report details the activities of the Committee from January 2017 through December 2017.

During this time, the Committee held a total of 6 committee meetings and reported 83 bills that seek to improve the lives of children and families in New York. I was pleased that the committee was able to increase the number of bills taken up for consideration by almost 40% from the previous year.

I want to thank each member of the Committee on Children and Families, including Ranking Member Velmanette Montgomery, Senator John J. Bonacic, Senator Pamela Helming, Senator Roxanne J. Persaud, Senator Diane J. Savino and Senator Sue Serino for their work and service to the Committee.

Sincerely,

A handwritten signature in black ink, appearing to read "Tony Avella".

Senator Tony Avella  
Chairman  
Senate Standing Committee on Children and Families

**REPORT OF THE  
NEW YORK STATE SENATE STANDING  
COMMITTEE ON CHILDREN AND FAMILIES**

**SENATOR TONY AVELLA, CHAIRMAN  
240<sup>TH</sup> LEGISLATIVE SESSION (2017)**

SENATOR TONY AVELLA, CHAIR

**Committee Members**

Senator Tony Avella  
Senator John J. Bonacic  
Senator Pamela Helming  
Senator Velmanette Montgomery – *Ranker*  
Senator Roxanne J. Persaud  
Senator Diane J. Savino  
Senator Sue Serino

**Committee Staff**

Rebecca A. Sheehan, Esq., Committee Counsel  
Samantha I. Bernstein, Committee Clerk

902 Legislative Office Building  
Albany, NY 12247

COMMITTEE MEETINGS

**Tuesday, February 7, 2017 at 10am, LOB 902**

**S.287 Robach** This bill prevents the granting of custody or unsupervised visitation of a child to a person who has been charged or convicted of raping the parent of the child in question. The bill also places an automatic stay in any custody and paternity proceedings pending the criminal charges of rape. (Passed Senate)

**S.555-A Young / A.5612-A Norris** This bill expands the powers of the office of children and family services to include the sharing of juvenile records with staff, the legal community, foster parents and the law enforcement community as required by the executive law, the family court act, and the criminal procedure law. (Passed Senate)

**S.665 Kennedy / A.2160 Peoples-Stokes** This bill would prohibit prosecuting any city or county social services commissioner for disclosing information pertaining to a child abuse or maltreatment investigation if done so in good faith adherence to New York State law. (Committed to Rules)

**S.680 Ortt** This bill amends the social services law and the family court act to include in the definition of "abused child" the term "impairment of physical condition or substantial pain" in order to synchronize and/or integrate the social services law definition of "abused child" to conduct described in the penal law. (Committed to Rules)

**S.735 Ortt** This bill removes "mental illness" and "mental retardation" as separate grounds for terminating parental rights under the social services law. (Committed to Rules)

**S.1000 Bonacic / A.825 Gunther** This bill requires that calls received by the State Central Register of Child Abuse and Maltreatment (SCR) from medical personnel, law enforcement or from social workers or psychologists employed by or affiliated with hospitals shall not be screened by the SCR Hotline but shall immediately be referred for investigation by the Child Protective Service. The bill further provides for the child protective service of each county to establish procedures for communication and cooperation with local hospitals and law enforcement to better protect the interests of at risk children and to better provide essential services to their families. (Passed Senate)

**S.1103 Alcantara/ A.2831 Engelbright** The bill prevents child care centers from being located within proximity to existing know sources of environmental health hazards, including dry cleaning operation using perchloroethylene etc. The bill also seeks to ensure that specifications for indoor air ventilation systems are protective of healthful indoor air quality; that design techniques minimize the ingress of pest populations; and that construction techniques eliminate lead, radon and other toxic contaminants. (Committed to Finance)

**S.1291 Avella/A.259 Hevesi** This bill would increase the housing subsidy from a maximum of \$300 a month to \$600 a month for foster youth who are leaving care. (Committed to Finance)

COMMITTEE MEETINGS

**S.130-A1 Avella** This bill will allow the Family Court, as an option, to inform employers of a court decision in instances where the employee, the respondent in the case, has contact with children through their employment. (Passed Senate)

**S.1409 Avella** This bill allows the family court to issue an order of protection against a person that is not the child's biological or adoptive parent in addition to being able to issue orders of protection against the biological parents found to have severely abused any child. (Passed Senate)

**S.2115 Amedore / A.168 Hevesi** This bill gives Family Court Judges the authority to issue orders of protection for child protective services caseworkers. (Committed to Rules)

**S.2167-A Serino / A.668-A Rules (Rosenthal)** This bill extends protections to the pets of victims of domestic abuse by giving the court discretion to forbid contact between the abuser and any pet that is cared for by the victim. (Passed Senate)

**S.2185 Alcantara** This bill requires a court to provide translation services of an order of protection or temporary order of protection to any respondent and/or person protected by such order of protection who is not fluent in the English language. (Committed to Finance)

**S.2391 Larkin / A.832 Gunther** This bill establishes standard procedures for the recordation and transmission of allegations of child abuse on a school bus. (Passed Senate)

**S.3656 Golden** This bill will require that every caseworker and child protective services employee who has contact with a child as part of a treatment plan or supervision and monitoring, to document each such contact with a photograph taken of the child during such visit or contact. Such photograph shall be part of the confidential case record for such child and shall be subject to periodic review by the supervisor of the case. (Passed Senate)

**Tuesday, March 1, 2017 at 10am, LOB 902**

**S.1001 Bonacic / A.887 Gunther** This bill creates the "Parent's Right to Know Act" which provides that every public school district or any school registered with the New York State Education Department shall, within 60 days of enactment of this law, adopt a policy which shall provide notification to a parent or legal guardian whenever a school employee, volunteer or administrator has been given a written censure, reprimand or otherwise has been advised in writing regarding inappropriate conduct with respect to a child by the Superintendent or the School Board. (Committed to Rules)

**S.1318 Persaud/A.5973 Solages** This bill creates an allowance for eligible parents to receive an allowance every three months to assist in the purchasing of diapers for their children two years and under. (Committed to Finance)

**S.1455 Avella / A.290 Jaffee** This bill requires the Office of Children and Family Services (OCFS) to utilize a cost estimation model to determine the actual costs of providing day care in each setting, age group and for each level of quality provided. The agency would also be required to prepare an annual

COMMITTEE MEETINGS

report detailing the actual cost providers incur when providing child care in each setting, as determined by the cost estimation model. (Committed to Finance)

**S.1690 Avella** This bill provides for the protection of the children of parents who abuse other children for whom they are legally responsible. (Passed Senate)

**S.1938 Avella / A.4829 Titus** This bill will allow commissioners in social service agencies to modify the public assistance work requirements in order to increase access to affordable child care for eligible families by giving the agencies the ability to offer a 12 month work exemption if the district is unable to meet the needs of income eligible working families. (Committed to Finance)

**S.1981 Gallivan / A.2877 Peoples-Stokes** This bill requires the office of children and family services to determine and then notify the appropriate local child protective service if the subject of an allegation of child abuse or maltreatment is the operator of a licensed day care or similar facility, or if any person named in a report is a known sex offender or has previously been the subject of an indicated report of abuse or neglect. (Passed Senate)

**S.2127 Gallivan / A.2161 Morelle** This bill exempts tax exempt child care organizations from \$25 statewide central registrar fee for facility staff clearances. (Committed to Finance)

**S.2129 Gallivan / A.2313 Peoples-Stokes** This bill requires the statewide automated child welfare information system to become capable of storing images and documents. (Committed to Finance)

**S.2158-A Serino** This bill requires mandated reporters to report to law enforcement suspected child abuse involving a person in a position of authority or a position of trust. (Committed to Finance)

**S.3655-B Golden/A.1073-C Simon** This bill prohibits public funding to facilities providing aversive interventions, including but not limited to electric shock therapy, and to establish a holistic medicine focused autism spectrum disorder treatment and research center. (Committed to Finance)

**Tuesday, March 21, 2017 at 10am, LOB 902**

**S.277 Hoylman / A.2662 Ortiz** This bill requires that all employees of programs and organizations' providing care to runaway and/or homeless youth complete training providing instruction in issues pertaining to lesbian, gay, bisexual, and transgender youth. (Committed to Finance)

**S.1816 Kennedy / A.1385 Cahill** This bill enacts the "Domestic Violence Reform Act" and extends the period of time for orders of protection in cases of domestic violence to five years for family court and ten years for criminal court. (Committed to Rules)

**S.2084 Comrie / A.2449 Hyndman** This bill establishes a pilot program that would provide job and vocational skills training to youth who have been adjudicated juvenile delinquents or juvenile offenders and are residing in a facility overseen by the office of children and family services. This bill responds to a recommendation of the Governor's Task Force on Transforming Juvenile Justice issued in December

COMMITTEE MEETINGS

2009 and calls for the collaboration between the department of labor and the office of children and family services on the development and operation of such training programs. (Committed to Finance)

**S.3169 Gallivan** This bill would require the Office of Children and Family Services to record all phone calls made to the central register and include this recording in any report of suspected child abuse or neglect. (Committed to Finance)

**S.4172 Gallivan / A.2965 Paulin** This bill requires that the authorized agency and any social services district charged with the care, custody or guardianship of a child receive a copy of a report of suspected child abuse or maltreatment of the child where the authorized agency is not the social services district in which the home is located. (Signed Chap. 281)

**S.4574-A Marchione / A.6903-A Brindisi** This bill requires the creation of an annual study by the commissioner of the office of children and family services on the ratio of non-administrative staff to residents in their facilities. (Vetoed by Governor)

**S.4614-A Helming** This bill requires mandatory sentences of imprisonment for individuals who continue to violate orders of protection. (Committed to Rules)

**S.4763 Avella / A.7558 Richardson** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and amends the Family Court Act and the Social Services Law, to require an agency with which a child has been placed, either voluntarily or as a result of an abuse or neglect finding, or to whom Guardianship and custody has been transferred as a result of the child being freed for adoption, to report to the attorney for the child not later than ten days in advance of any change in the child's placement status and not later than the next business day in any case in which an emergency placement change has been made. The bill requires a report within five days of the date that any report of abuse or maltreatment is found to be indicated. It also requires that such reports notify the recipients that the information shall be kept confidential, shall be used only in connection with the child protective, foster care or related proceedings under the Family Court Act and may not be redisclosed except as necessary for such proceeding or proceedings and as authorized by law. The bill also requires that both notices of changes in placement and indicated child maltreatment reports be conveyed to attorneys for the birth parents except in cases involving children freed for adoption. (Committed to Rules)

**S.4764-A Avella** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and requires video recording of custodial interrogations of juveniles in juvenile delinquency proceedings in family court. (Committed to Rules)

**S.4835 Avella / A.7553 Buchwald** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and ensures the rights of siblings in foster care, surrender, destitute child and permanency proceedings to petition or move for visitation and contact with their siblings. (Signed Chap. 359)

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**Tuesday, April 4, 2017 at 10am, LOB 902**

**S.33 Golden / A.402 Perry** This bill makes reforms to the criminal history reviews of child care providers by expanding the offenses for which a conviction would lead to denial of a license application or employment application to include any felony conviction at any time in another jurisdiction that would constitute a sex offense, crime against a child, or crime involving violence, or a conviction for a felony drug-related offense within the past five years that, if committed in New York, would constitute a violation of the Penal Law. The bill also removes the discretion of the office of children and family services to approve a license application, renewal application, prospective employee or volunteer when the criminal background check reveals a conviction for any of the aforementioned crimes. (Passed Senate)

**S.238 Golden / A.2369 Lentol** This bill relates to assisting and protecting victims of domestic violence, child abuse and child neglect regarding access to certain abuse or neglect reports. (Committed to Rules)

**S.683 Kennedy / A.2183 Mayer** This bill directs the council on children and families to develop and make available through its website a listing and map of all recipients of grants awarded or administered by the state for the purpose of providing afterschool or summer programs, extended learning time, or community schools, and all registered school age providers registered by the office of children and family services. (Signed Chap. 424)

**S. 836 Young** This bill requires persons and officials who are required to report cases of suspected child abuse or maltreatment to complete annual training relating to identifying and reporting such abuse and maltreatment. (Committed to Rules)

**S.1772 Carlucci / A.7616 Jaffee** This bill requires the office of children and family services to promulgate regulations for authorized agencies in the state to provide a foster parent with a list of any publicly-funded benefits or services that such foster child is currently eligible for, but shall expire upon the adoption of such foster child. If a service shall expire, information shall be provided if that service is available in the community or how it can be obtained from other private sources. The information would be available on such office's website. (Committed to Rules)

**S.3980 Savino** This bill expands the application of the runaway and homeless youth act and related programs to youth under twenty-five years of age, which would be an increase from the current upper limit of up to twenty-one years of age. (Committed to Finance)

**S.4342 Brooks / A.5371 Thiele** This bill requires school administrators in private schools to report allegations of child abuse in an educational setting. (Committed to Rules)

**S.4612 Carlucci / A.5915 Paulin** This bill directs the office of children and family services to conduct a study that includes an evaluation and recommendations for the availability of child care services in New York State by. (Passed Senate)

**S.5142 Lanza / A.2001 Paulin** This bill codifies in statute that a petition to adopt, where the petitioner's parentage is legally-recognized under New York State law, shall not be denied solely on the basis that the petitioner's parentage is already legally-recognized. (Committed to Rules)

COMMITTEE MEETINGS

**Tuesday, May 2, 2017 at 10am, LOB 902**

**S.740 Ritchie / A.824 Stirpe** This bill directs the commissioner of children and family services to conduct a study pertaining to child abuse and neglect fatalities that occur subsequent to a prior open investigation. (Committed to Finance)

**S.1614-A Golden / A.7574-A Wright** This bill provides for close relatives of children the opportunity to petition the court for custody or guardianship of a minor child when extraordinary circumstances exist. (Committed to Rules)

**S.1746 Golden / A.1107 Richardson** This bill directs the office of children family services and the New York City administration for children's services to submit annual reports concerning information related to children served by their respective programs. (Committed to Finance)

**S.2989 Kennedy / A.2330 Peoples-Stokes** This bill reclassifies excessive corporal punishment of a child as abuse, rather than neglect and thus, subjects more child protective services cases to further scrutiny to ensure the safety of New York's children. (Committed to Rules)

**S.2990 Kennedy / A.2331 Peoples-Stokes** This bill would prevent children from being interviewed by child protective services workers, in the presence of another person who is the subject of the report of abuse. (Committed to Finance)

**S.3263 Parker** This bill would require mandatory prison sentences for individuals who continue to violate orders of protection. (Passed Senate)

**S.3266 Parker / A.1071 Simon** This bill prohibits the making of decisions concerning guardianship, custody or visitation or adoption petitions solely on the basis of a parent's, guardian's or custodian's blindness. (Committed to Rules)

**S.3733 Montgomery / A.3665 & A.950 Richardson** This bill requires day care providers to escrow security deposits in excess of the value of two weeks of provided services. (Committed to Rules)

**S.3977-A Savino / A.318-A Jaffee** This bill provides for parents and caretakers who are otherwise eligible, a child care subsidy when care is necessary to enable them to get an adequate night's rest. (Committed to Finance)

**S.4766 Avella / A.7552 Jaffee** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to the sealing and expungement of records in persons in need of supervision cases in the family court. (Committed to Rules)

**S.4767 Avella / A.6837 Weinstein** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to the use of adjournments in contemplation of dismissal and suspended judgments in child protective proceedings in the family court. (Committed to Rules)

COMMITTEE MEETINGS

**Tuesday, June 6, 2017 at 10am, LOB 902**

**S.1701 Parker / A.8096 Walker** This bill establishes a program for financial transitional living services for foster children to facilitate access to safe and stable housing for children aging out of foster care, and to provide financial literacy and education through programs that can make them better equipped to manage their financial needs. (Committed to Rules)

**S.2939 LaValle / A.2767 Zebrowski** This bill would allow an adopted individual over the age of twenty one to petition the court to request information on their biological adopted siblings. (Committed to Rules)

**S.2986 Kennedy / A.2356 Peoples-Stokes** This bill would require child protective services workers and their supervisors to be formally trained in the fields of social work, psychology and/or counseling in order to better prepare them to handle cases involving significant and severe mental health, substance abuse and criminal issues. (Committed to Rules)

**S.3667-B Serrano/ A.5284-B Rosenthal** This bill would require the anchoring of furniture and electronics in child day care centers, public institutions for children and certain other facilities. (Committed to Rules)

**S.4462-A Tedisco / A.5850-A Walsh** This bill would expand the list of mandated reporters for suspected child abuse or maltreatment to include college coaches, athletic directors, professors, graduate assistants, college administrators and college presidents and paid staff members of children's camps, summer day camps and travel camps. (Committed to Rules)

**S.4762 Avella** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to determinations of willful violations of orders of protection. (Committed to Rules)

**S.4765-A Avella** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to conditional surrenders of parental rights in family and surrogate's court. (Committed to Rules)

**S.4830 Avella** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to violations of probation and conditional discharge in juvenile delinquency cases in family court. (Committed to Rules)

**S.4836 Avella** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to the provision of services and assistance to respondent parents during the pendency of child protective proceedings in family court. (Passed Senate)

COMMITTEE MEETINGS

**S.5448 Avella / A.6974 Jaffee** This bill requires that local social services districts make payments to providers for at least 12 absences in a 6 month period. The office of children and family services would define the maximum number of absences allowed for reimbursement, which would not be less than 24 absences in a 6-month period, unless extenuating circumstances exist. (Committed to Rules)

**S.5472-A Avella / A.7555-A Jaffee** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and clarifies and expands the definition of former foster youth who can reenter foster care. (Committed to Rules)

**S.5475 Montgomery / A.7099 Harris** This bill amends the family court act by authorizing probation in juvenile delinquent cases to be conditional upon referral for certain family services; and amends the social services law, in relation to family support centers and state reimbursement for expenditures made by social services districts for various services. (Committed to Rules)

**S.5709 Montgomery / A.7810 Jean Pierre** This bill requires the office of children and family services to examine, evaluate and make recommendations concerning the availability of day care for children, including a review of the impact of the necessary child day care upon the ability of working families to achieve self-sufficiency and a better standard of living. (Passed Senate)

**S.5713 Avella / A.7556 Jaffee** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates to permanency planning in juvenile delinquency and persons in need of supervision proceedings in family court. (Committed to Rules)

**S.5714 Avella / A.7557 Davila** This bill was introduced at the request of the Chief Administrative Judge upon the recommendation of the Family Court and Rules Advisory Committee and relates truancy allegations in persons in need of supervision and child protective proceedings in family court. (Committed to Rules)

**S.5724 Golden** This bill enacts "Abdifatah's Law" to require the subject of a report of suspected child abuse not be interviewed in the presence of any other person named in the report. (Passed Senate)

**S.5790 Savino / A.8020 Joyner** This bill entitled "Preserving Family Bonds" Act, grants family court judges the discretion to order continued visitation and/or contact between children and their birth parents and/or their siblings after a parent's rights have been terminated. The judge may grant post-termination contact at the disposition hearing in a termination of parental rights proceeding when such contact is deemed by the Court to be in the child or children's best interests. (Committed to Rules)

**S.5803 Lanza / A.5092 Crespo** This bill creates a multi-disciplinary team demonstrations program to address complex cases of adult abuse, neglect, or financial exploitation. (Committed to Rules)

**S.5929-A Avella / A.7726-A Jaffee** This bill establishes a child care availability taskforce to evaluate the need for and availability of child care throughout the state. (Signed Chap. 493)

COMMITTEE MEETINGS

**S.5932 Avella / A.164 Hevesi** This bill requires the appointment of a child advocate in cases where a child protective services worker and a health professional that have treated the child in response to a reported incident disagree on whether or not an allegation of abuse is founded. (Committed to Rules)

**S.6015-A Avella / A.7928 Jaffee** This bill requires the inclusion of non-parents with lawful orders of custody as persons who may make medical decisions for minors in their care, and also requires the inclusion of non-parents with lawful orders of custody along with parents and guardians as persons whose consent is not needed for the provision of medical, dental, health and hospital services when in the judgement of a physician emergency medical care is needed. (Committed to Rules)

**S.6016-A Avella / A.7905-A Jaffee** This bill extends the time period a parent or guardian is permitted to name a caregiver as a person in parental relation, who has limited authority under the education law and public health law from six months to twelve months for a designation that is notarized. (Committed to Rules)

**S.6061 Kennedy / A.1438 Jenne** This bill will standardize child care copayments by instructing local social services districts to not require a family receiving child care assistance to contribute more than 20% of the amount of their income exceeding the poverty level. (Committed to Rules)

**S.6081 Serino / A.8131 Lupardo** This bill will extend the expiration date of the foster family care demonstration program for an additional four years. (Signed Chap. 153)

**S.6286 Avella / A.5836 Walker** This bill creates mandatory waiting lists for subsidized child day care and establishes reporting of income levels for families applying for childcare subsidies. (Committed to Rules)

**S.6300 Avella / A.1533 Weinstein** This bill provides for uniform access to court ordered forensic mental health evaluation reports and underlying data by litigants, their counsels and the counsel for the attorney for the child in child custody and visitation cases. (Committed to Rules)

**S.6447 Gallivan / A.8064 Zebrowski** This bill extends the operations for the Rockland Society for the Prevention of Cruelty to Children for two years and the Erie County Society for the Prevention of Cruelty of Children to December 31, 2017. (Signed Chap. 97)

**S.6518 Avella / A.8313 Hevesi** This bill will ensure that adoption subsidies are linked to each adopted child and permit the subsidy to be transferred in the event that an alternate adult receives a final order of custody or guardianship for the child. (Committed to Rules)



# New York State Senator Tony Avella

## 11<sup>th</sup> Senate District

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