



NEW YORK STATE SENATOR

Monica R. Martinez

## Taking Action on Thomas Valva Grand Jury CPS Recommendations

MONICA R. MARTINEZ April 11, 2024

| ISSUE: **CHILD ABUSE, CHILD PROTECTION, CPS REFORMS**

Senator Monica R. Martinez sends several Valva special grand jury recommendations for policy changes to Albany lawmakers

Following the release of a [report](#) that included more than 20 legislative and policy change recommendations made by a special grand jury investigating the death of 8-year-old Thomas Valva in 2020, New York State Senator Monica R. Martinez has announced she has introduced [legislation](#) that will permit the unsealing of Child Protective Services (CPS) files in certain situations.

Under the proposal, district attorneys and grand juries may be granted the ability to view records for CPS cases that have previously been determined to be unfounded with a court order and as part of a criminal investigation. The current law provides very few exemptions from the confidentiality requirements that restrict the disclosure of details from unfounded reports. This aspect of the law has come under intense scrutiny following the revelation that 10 of 11 investigations into abuse claims were closed and sealed prior to Valva's death. Those records were subsequently not available to the grand jury as it reviewed potential shortcomings that may have contributed to the outcome of this case.

“The special grand jury’s report highlights the deficiencies that exist in the law,” said Senator Martinez. “In direct response to its findings, I am proposing legislation that will provide prosecutors and grand juries with a legal framework for accessing unfounded CPS reports when necessary for the furtherance of justice. This initiative seeks to maintain confidentiality in cases of unfounded allegations without restricting criminal investigations where warranted, reflecting our commitment to justice and child welfare in New York State.”

Senator Martinez went on to discuss two additional proposals that are currently progressing through the legislative process in Albany.

Sponsored by Senator Martinez in 2023, bill [S6458](#), outlines a new procedure that allows duplicative CPS reports to merge with an existing case allowing it to remain open for an additional thirty days for further investigation if the existing case has not yet been charged, dismissed, or referred to services when the duplicate report is received. The proposal is intended to ensure each case receives appropriate attention, address a backlog of duplicative reports, reduce the workload of CPS caseworkers, and improve efficiencies within the reporting system.

Senate Bill [S6459](#), also introduced by Senator Martinez, ensures CPS employees have access to the mental health services and resources needed to maintain their well-being.

Professionals who handle CPS cases are frequently exposed to traumatic situations, including allegations of child abuse and neglect, which are often emotionally and psychologically challenging and can negatively affect their well-being and job performance.

“Thomas Valva's brief life was marked by unimaginable suffering, a suffering no child should ever go through,” Senator Martinez continued. “The tragedy of his life brought to light the urgent need for comprehensive reforms that will ensure the safety and well-being of all of New York's children. That reform process is now underway to not only improve child

protection but also support the mental health needs of those who are tasked with performing this emotionally draining work. Together, these changes will enhance the effectiveness of the CPS system."

In January 2020, Thomas Valva died of hypothermia after he and his brother were forced to sleep in an unheated garage on a night when temperatures reached 19 degrees at their father and father's fiancée's home in Center Moriches. When he died, Thomas' body temperature was 76.1 degrees. The subsequent investigation into Thomas's death revealed that he and his older brother, both autistic, were subjected to beatings, starvation, and verbal abuse. Both Thomas' father, Michael Valva, and his father's fiancée, Angela Pollina, were convicted of depraved indifference murder and sentenced to 25 years to life imprisonment.

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#### RELATED LEGISLATION

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### **2023-S9042**

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- Introduced
  
- ○ In Committee Assembly
  - In Committee Senate
  
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to unsealing unfounded child abuse and maltreatment reports in certain circumstances

April 11, 2024

In Senate Committee [Children and Families](#)

Sponsored by [Monica R. Martinez](#)

Do you support this bill?

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## 2023-S6459

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to mental health services and resources for child protective services employees

April 20, 2023

In Assembly Committee

Sponsored by **Monica R. Martinez**

Do you support this bill?

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## 2023-S6458

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- Introduced
- ○ In Committee Assembly
  - In Committee Senate
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Relates to certain calls received by child protective services

April 20, 2023

In Assembly Committee

Sponsored by **Monica R. Martinez**

Do you support this bill?