



NEW YORK STATE SENATOR

Patrick M. Gallivan

## Senate Passes Bill to Require Immediate Investigation by Law Enforcement of Abuse in State Facilities

PATRICK M. GALLIVAN May 8, 2012

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### **Measure Provides Timely Notification to Law Enforcement of Abuse of Children in Residential Care**

New York State Senate today passed legislation that would modify current reporting procedures involving the abuse of children in residential care.

The measure (S.6563) guarantees that reports of certain abuse will be immediately forwarded to law enforcement. The passage of this legislation comes amidst the latest announcement by Governor Andrew Cuomo of his proposal to establish the Justice Center for the Protection of Persons with Special Needs.

“The passage of this legislation is significant as it highlights some of the inadequacies in current law that have been part of our discussions in recent days,” said Senator Stephen Saland, this bill’s primary sponsor. “I applaud the Governor in his efforts to enhance protections for our children and stamp out abuse in our communities, and I look forward to working towards improved safeguards against abuse for our most vulnerable citizens through the passage of bills such as this.”

"This legislation will provide an important protection for children in residential care by ensuring that reports of abuse or neglect are promptly given to law enforcement for investigation," Senate Majority Leader Dean G. Skelos said.

"As a former Trooper and Sheriff of Erie County, I can attest that law enforcement needs to have immediate access to accurate information to appropriately respond to any potential case of violence or abuse," said Senator Patrick M. Gallivan.

Currently, when there is a reported case of abuse or neglect of a child in residential care, the initial case is forwarded to a state agency

for investigation rather than law enforcement. As a result, the agencies that have complaints in their facilities have the power to investigate such complaints and have a sixty day timeframe to forward reports to law enforcement if it appears that a crime has been committed. This procedure lends itself to precious time being lost on an investigation, the potential for lost evidence, and can ultimately compromise the success of the

investigation as well as the welfare of the child. This bill would rectify this lapse in time with a immediate notification process for certain cases

of abuse.

The bill will be sent to the Assembly