



NEW YORK STATE SENATOR

James S. Alesi

Senator Jim Alesi / Senate Passes Protection of People WITH Special Needs Act

JAMES S. ALESI May 16, 2012

| ISSUE: **VICTIMS, DISABILITY**

Legislation Establishes the Justice Center for the Protection of People with Special Needs, Strengthening the State's Standards and Practices for Protecting Individuals with Special Needs and Disabilities

Senator Jim Alesi today announced that the Senate passed legislation he Co-Sponsored to strengthen protections for more than one million New Yorkers with special needs. The Protection of People with Special Needs Act (S.7400), unveiled by Governor Cuomo and Co-Sponsored by Senator Alesi, would establish the Justice Center for the Protection of People with Special Needs to prevent, investigate and prosecute the abuse and neglect of individuals with special needs who are served by facilities and programs operated, licensed or certified by State agencies.

“Children and adults in New York State with special needs are particularly vulnerable to abuse and neglect,” said Senator Alesi. “By working with Governor Cuomo, I am confident that this legislation is an important first step in preventing further instances of abuse and neglect and will provide families and friends a greater peace-of-mind that their loved ones are safe and well cared for. I am proud to Co-Sponsor this comprehensive bill to ensure stronger protections for our most vulnerable citizens, and to hold abusers accountable for their actions.”

“This is about safeguarding the civil rights of more than one million New Yorkers with disabilities and special needs who for too long have not had the protections and justice they deserve,” Governor Cuomo said. “The creation of a Justice Center for the Protection of People with Special Needs will give New York State the strongest standards and practices in the country for protecting those who are often the most vulnerable to abuse and mistreatment. I urge the Legislature to pass this bill and give people with special needs and disabilities a new level of protection and service in our state.”

The legislation includes the following provisions that would create standard definitions for “abuse” and “neglect;” create the Justice Center for the Protection of People with Special Needs; strengthen criminal statutes that make abuse of vulnerable or disabled persons a crime; and promote transparency by requiring non-state operated and provider agencies to disclose the same records relating to abuse and neglect as state

agencies are required to under the Freedom of Information Law.

The Justice Center will have a Special Prosecutor and Inspector General for the Protection of People with Special Needs who will investigate reports of abuse and neglect and prosecute allegations that rise to the level of criminal offenses. It will also include a 24/7 hotline run by trained professionals, a comprehensive statewide database that will track all reports of abuse and neglect and a statewide register of workers who have committed serious acts of abuse who will be prohibited from ever working with people with disabilities or special needs.

Additional responsibilities for the new Justice Center for the Protection of People with Special Needs would include:

- > Ensuring that allegations of abuse and neglect are promptly, fully and effectively investigated, reported and prosecuted;
- > Operating a statewide 24-hour hotline staffed by trained personnel to which mandated reporters will be required to report allegations of abuse and neglect;
- > Requiring providers to implement corrective action plans to prevent future incidents of abuse and neglect;
- > Developing a register that will contain the names of individuals found responsible for egregious or repeated acts of abuse or neglect, and bar such individuals from future employment in the care of people with special needs;
- > Conducting the criminal history background checks for people applying to be an employee, volunteer or consultant at any facilities or provider agencies operated, licensed or certified by OMH, OPWDD, OASAS or OCFS;
- > Providing oversight of the human services system, conducting death and abuse investigations, and identifying risks and best practices to promote improved quality of care for people with special needs; and
- > Developing codes of conduct to which all workers who have regular contact with people with special needs must subscribe.

Senator Alesi has a long history of supporting legislation aimed at protecting individuals most vulnerable of abuse and neglect, including a bill (S.5451) he has introduced that would establish mandatory reporting requirements for mentally or physically incapacitated persons. The bill would make individuals treating or coming into contact with persons who have physical or emotional symptoms of abuse responsible for reporting this crime to the proper authorities so that the affected person can receive needed protection from further abuse.

#####