



NEW YORK STATE SENATOR

Susan Serino

SERINO BILL TO BETTER PROTECT CHILDREN AGAINST SEXUAL PREDATORS PASSES SENATE

SUSAN SERINO June 19, 2018

| ISSUE: **CHILD PROTECTION**



ALBANY, NY—In 2016, the conviction of a county legislator who used his position with a local children’s organization to sexually abuse two boys shook the local community and exposed the various ways NYS law fails to adequately protect children from this kind of abuse. Sue Serino—at the time a freshman State Senator—met with the boys’ parents, heard their gut-wrenching stories first-hand and immediately introduced legislation to prevent other New York families from experiencing the pain and trauma that they, and their sons,

have endured. Today, thanks in large part to the fearless advocacy of the families, Senator Serino's bill passed unanimously in the State Senate.

"I cannot overstate the importance of this legislation as it relates to ensuring the health and safety of New York's children," said Senator Sue Serino. "If you are in a position where you are working directly with children, you have a duty to speak out if you suspect that they are in danger, plain and simple. This bill is about ensuring that no case of suspected abuse ever goes unreported by anyone working directly with children so that our kids get the help and support they need. I urge my colleagues in the Assembly to pass this critical piece of legislation before the close of this Legislative Session."

In December of 2014, a fifteen year old boy from Fishkill revealed to his parents that he and a friend had been molested by their Boy Scout troop's assistant scoutmaster, Mike Kelsey, who at the time was also a Dutchess County Legislator running for a seat in the State Assembly. While the parents immediately contacted law enforcement, they soon discovered that the boys had already reported the incidents to another member of the organization. While that individual reported the abuse to others within the Boy Scouts, Kelsey was only suspended from the troop, and neither law enforcement, or either of the boys' parents were notified. This decision left the boys vulnerable to repeated run-ins with their abuser.

In 2016, after a grueling trial, Mike Kelsey was found guilty of first-degree sexual abuse and first-degree attempted sexual abuse—both felonies—as well as forcible touching and two counts of endangering the welfare of a child. As a result, he was given a seven-year prison sentence and 10 years of post-release supervision.

While most people would assume that those working directly with children would be required to report abuse, many would be surprised to learn that the organization did not commit any crime by failing to do so. Under current New York State law, mandated reporters—those who are legally required to report observed or suspected abuse—are only required to do so if it happens at the hands of those with familial relationships to the child. If the abuse is perpetrated by someone close to the child, but outside of the family there is

no law requiring that the abuse be reported. Senator Serino's bill (S. 2158C/A. 11161) would change that by expressly requiring that any person 18 years of age or older working directly with children—whether the position is paid or volunteer—be required to report any suspected abuse directly to law enforcement.

“While most people out of the goodness of their hearts would immediately report any instance of child abuse, as demonstrated in this despicable case that unfolded in Dutchess County, we cannot assume that people will always do the right thing. It is our hope that not only will this bill stop perpetrators in their tracks, but that it will deter these crimes from ever happening to begin with by shifting the culture of secrecy that has shrouded these issues for far too long and ensuring that those working with children, are in fact, speaking out as they should,” Serino continued.

The bill would require these individuals to receive training on how to detect abuse and about how to respond. The training is currently offered by the NYS Office of Children and Family Services for free online.

After spending over a year working to obtain an Assembly sponsor for the bill, recently the bill was picked up by Assemblywoman Sandy Galef, a Hudson Valley representative, member of the Assembly majority and longtime champion of bills aimed at protecting New York's children.

*“Just recently I learned about this legislation, and it was hard for me to understand that this was not already law. Adults who work with children must be mandated to report suspected abuse to law enforcement as protecting our most vulnerable is our greatest duty. I look forward to championing this legislation in the Assembly just as Senator Serino has done in the Senate,” **stated Galef.** “Also, I want to commend the young boys who came forward in Dutchess County. Their courage brought this issue to the forefront, and that same courage will make a difference for other children in the future.”*

The bill has been delivered to the Assembly's Committee on Children and Families.