

**RESOLUTION NO. 214 -2013, ADOPTING LOCAL LAW
NO. 13 -2013, A LOCAL LAW TO ENSURE THE SAFETY OF
CHILDREN IN CHILD CARE FACILITIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on January 2, 2013, a proposed local law entitled, "**A LOCAL LAW TO ENSURE THE SAFETY OF CHILDREN IN CHILD CARE FACILITIES**;" now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 13 -2013, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO ENSURE THE SAFETY OF CHILDREN IN
CHILD CARE FACILITIES**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk seeks to protect the health and safety of its youngest residents.

This Legislature determines that convicted sex offenders have the highest rate of recidivism when compared to other violent felons released into the community.

This Legislature further finds that sexual abuse is more likely to occur when a child has a trusting relationship with the perpetrator.

This Legislature also finds and determines that the County contracts with, and administers funding for, many agencies which provide services to children.

This Legislature further finds and determines that the County requires all agencies providing such services to certify that their employees and volunteers have been the subject of a formal inquiry to the State's Sex Offender Registry.

This Legislature finds that these agencies often use subcontractors and vendors to provide specific services, such as professional photography, for their program participants.

This Legislature determines that these subcontractors and vendors frequently spend extended time with children and are not always supervised.

This Legislature also finds that the employees and volunteers of these subcontractors and vendors should be screened through the State's Sex Offender Registry to ensure the safety of the children receiving services.

Therefore, the purpose of this law is to require the County's contracted youth agencies and all child care agencies receiving funds from the County to verify the sex offender

status of their subcontractors and vendors' employees who have direct contact with the children in the agency's program.

Section 2. Definitions

As used in this law, the following terms shall have the meanings indicated:

CHILD CARE SERVICES - care for children of preschool age and primary school age in a group facility, family home or day-care project, defined in Subdivision 9 of Section 410-e of the New York State Social Services Law, or provision of residential child care for children of preschool age and primary school age.

CHILD CARE AGENCY - any individual, association, corporation, partnership, institution, organization or agency which receives funding of any kind from the County of Suffolk to provide child care services.

CONTRACTED YOUTH AGENCY – any individual, association, corporation, partnership, institution, organization or agency which contracts with the County of Suffolk to provide services to individuals predominantly under the age of eighteen.

Section 2. Screening Required.

All child care agencies and contracted youth agencies operating within the County of Suffolk shall, prior to allowing an employee, volunteer or agent of a subcontractor or vendor to interact with, or have access to, a child in their program, make an inquiry to the publicly available New York State Sex Offender Registry to determine whether such employee, volunteer or agent appears in said registry. All agencies subject to this requirement shall maintain a written record which verifies that an inquiry to the New York State Sex Offender Registry was in fact conducted each time a new subcontractor or vendor employee, volunteer or agent interacts with any child, and maintain said record for at least one year after the date on which the inquiry was conducted.

Section 3. Disclosure of Sex Offender Status

Any agency subject to this law shall notify the parents or guardians of the children enrolled in their program if the agency intends to allow on their premises, an employee, volunteer or agent of any subcontractor or vendor who is a registered sex offender. Such notification shall be made in writing at least ten days prior to the sex offender entering the subject agency's premises.

Section 4. Enforcement.

This law shall be enforced by the County department which administers the contract for a contracted youth agency or the County department which disburses payment to a child care agency.

Section 5. Penalties.

Any violation of this law shall be an offense subject to a civil fine of five hundred dollars (\$500.00) for any first offense, with each subsequent offense subject to a fine of one thousand dollars (\$1,000.00). A penalty shall not be assessed until after a hearing is held by

the Commissioner of the enforcing department where an alleged violator shall have an opportunity to be heard.

Section 6. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED: March 19, 2013

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: April 3, 2013

After a public hearing duly held on April 2, 2013
Filed with the Secretary of State on April 15, 2013