



*Governor Andrew Cuomo recently signed into law several pieces of legislation that might interest you. Detailed information about these new laws is presented below.
(Updated 12/13/18)*

NEW LAW: Authorizes the Port Authority of New York and New Jersey to permit domestic companion animals to board any public transportation or public transportation service in the event of a state of emergency and evacuation of a region (Chapter 284).

According to the Urban Resource Institute, 48% of victims of domestic violence do not leave their abusers because they fear what would happen to their pets. Similarly, these victims may be unwilling to evacuate their homes in a state of emergency based on the same fear.

This new law permits owners of domestic companion animals to board any public transportation or public transportation service with the animal, as long as the animal is under the owner's control by use of a leash or tether, or is properly confined in an animal carrier. This includes rail passenger service, motorbus routes, paratransit service, motorbus charter service and ferry passenger service.

New Jersey enacted a similar law, providing the same protections to residents of both states.

This act takes effect immediately.

NEW LAW: Directs the president of the state Civil Service Commission to publish a report evaluating the presence of wage disparities among public employees in relation to job titles segregated by gender and race/ethnicity (Chapter 403).

Nationally, women earn 80%, on average, of what men earn, and this gap widens even further when you factor in race. Wage disparities can have very negative long-term impacts, not just for the workers themselves, but also for their children and families.

To ensure that public employees are being compensated fairly for jobs of equivalent value, it is imperative to first establish if, where and how such inequities exist. This new law directs the state Civil Service Commission to develop such a report.

This act takes effect immediately.



NEW LAW: Requires school administrators and superintendents in private schools to immediately report allegations of child abuse (Chapter 363).

This new law expands to all schools throughout the state – public and private – the requirement that suspected child abuse and sexual abuse by a school employee or volunteer be reported to law enforcement, to the child’s parents, and to the state Education Department if the subject of the report holds a professional license. Previous law required reporting of such child abuse only in public schools, and only those located outside of New York City. This left a significant gap in protecting students at private schools, special art schools, and all schools within New York City.

This law becomes effective 180 days after it was signed by the Governor.

NEW LAW: Provision of free feminine hygiene products to incarcerated women (Chapter 392).

In correctional facilities across New York State, incarcerated women are given an insufficient supply of feminine hygiene products or are required to purchase such products from the prison commissary. The cost of these products can be high, forcing many inmates to go without or use their own makeshift hygiene products. For example, at the Taconic State Correctional Facility, female inmates must spend a week’s earnings to purchase a 20-count box of tampons.

Feminine hygiene products are not a luxury, but a necessity. This new law ensures incarcerated women are provided with feminine hygiene products at no cost.

This act takes effect 90 days after it was signed into law.

NEW LAW: Requires the state Board of Parole to collect demographic information about convicted individuals who are granted release (Chapter 292).

At a 2013 public hearing, the chair of the state Board of Parole stated that the agency remains neutral with respect to demographic information in its parole release decision-making process. However, the Board doesn’t document the race or other demographic information of individuals it considers for release, so the Board’s claim cannot be validated.



This new law directs the Board of Parole to add to its annual report the demographic data of individuals considered for release, to ensure discriminatory decisions are not being made based on race, ethnicity, region of commitment, age or gender, and other relevant categories of classification and commitment.

This act takes effect immediately.

NEW LAW: Establishes the Court Appointed Special Advocates (CASA) program in statute and codifies rules pertaining to these advocates (Chapter 291).

A court appointed special advocate, or CASA, is a specially trained and supervised community volunteer, appointed by a Family Court judge, to help secure safe and permanent homes for abused and neglected children in foster care. A CASA reviews all the records and documents pertaining to a child's case and completes interviews with all relevant parties. Then, the CASA submits a report to the court detailing information about the child's placement, whether the child's medical, mental health and educational needs are being met, what services the child and family members are being provided, and whether there are any unmet needs or other concerns regarding the child and the family. Managing only one or two cases at a time, a CASA is allowed ample time to gather thorough information.

Establishing the CASA program in statute demonstrates the critical role these advocates play in the course of children's lives. Adopting rules and regulations for the program will standardize the courts' use of CASAs and result in consistency regarding the structure, administration and operation of these programs statewide.

The new law takes effect immediately.

NEW LAW: Extends the length of time a parent or guardian can name a caregiver for their child (Chapter 80).

As a result of federal policies, parents subject to detention or removal whose children reside in New York State need preparedness options to plan for the emergency care and control of their children in the event of sudden detention or deportation. Parental designation forms, authorized under the General Obligations Law, provide a mechanism by which parents can make arrangements in advance for a caregiver to be designated without going to court. The designated caregiver then has authority to make decisions for the minor or incapacitated person, if the parent or guardian faces sudden detention or deportation.



This new law extends the time period a caregiver can be designated from six months to 12 months, for designation forms that are notarized. Because the forms are completed in advance of a parent's detention or deportation, this may prevent the form from expiring shortly after a caregiver assumes care and control of the child. Extending the designation period also alleviates the difficulty an undocumented parent or guardian may have renewing the designation if they are detained outside of the United States.

The new law takes effect immediately.

NEW LAW: Requires the president of the Civil Service Commission assessing the feasibility of permitting alternate work schedules or flexible work hours within state agencies (Chapter 49).

Under New York State law, flexible working arrangements are not required. As the demand for flexibility in the workforce grows, it is important to have the information needed to analyze the possibility of implementing flexible work arrangements in the workforce.

To that end, Chapter 439 of the Laws of 2017 required the president of the Civil Service Commission to deliver a biennial report assessing current programs within each state agency that allow for alternate work schedules or flexible work hours.

This year, a new law was signed requiring development of an annual report detailing the feasibility of all programs within state agencies to permit alternative work schedules or flexible work hours. Together, these reports will provide information regarding the available options for workplace flexibility and ways they can be improved. Passage of this legislation allows New York to take the first step in finding a solution for employees who often find themselves in situations where traditional work schedules prevent an equitable work-life balance.

The new law takes effect immediately.



NEW LAW: Allows parents and guardians to designate a standby guardian for their child in the event of an administrative separation (Chapter 79).

Currently, parents can designate a standby guardian for their child in the event of their incapacity, debilitation, or death. This was initially enacted by the Legislature at the height of the AIDS crisis to facilitate the immediate transfer of temporary guardianship powers until a more permanent arrangement and hearing could take place.

This new law amends the Surrogate's Court Procedure Act to broaden the statute, allowing for a standby guardian's authority to take effect in the event of a family shattering event, such as arrest, detention, incarceration, removal and/or deportation, in connection with a federal immigration matter. The new law also provides the court with the discretion to appoint an attorney for the child to recommend whether the appointment of a standby guardian is in the best interest of the child.

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These new laws were signed by Governor Cuomo earlier this year and described in detail in an earlier update:

- **A bill prohibiting possession of firearms for individuals convicted of misdemeanor offenses involving domestic violence (Chapter 60).** This new law amends the penal law, the criminal procedure law and the family court act to extend the firearms possession prohibition for individuals convicted of certain misdemeanors commonly associated with domestic violence.
- **A bill permitting reimbursement to non-physically injured victims for domestic violence shelter costs and costs of crime scene cleanups (Chapter 204).**
- **A bill permitting the Crime Victims Board to accept other official documents in lieu of police reports to document eligibility for victim compensation (Chapter 295).** This new law amends the executive law to permit a family court, governmental agency responsible for child and/or adult protective services, or any medical facility providing a forensic physical exam for victims of rape and sexual assault to provide documentation of eligibility for compensation for rape, sexual assault, child abuse or domestic violence.
- **A bill authorizing the state Office of Temporary and Disability Assistance to contract with not-for-profits to create “short-term” and “long-term” safe house residential facilities for victims of human trafficking (Chapter 238).** This new law permits OTDA to contract with non-government organizations to establish culturally competent, short-term and long-term safe house residential facilities specifically for trafficked victims.
- **A bill eliminating the need for prosecutors to prove force, fraud or coercion to find an individual guilty of sex trafficking of a child under 18 (Chapter 189).** This new law aligns the penal law with the Family Court Act, which creates a presumption that a minor charged with prostitution is a sex trafficking victim. It also allows prosecutors to bring an action without a showing of force, fraud or coercion. Requiring such proof often obligated a victim to testify against the trafficker, which can re-traumatize an already highly traumatized victim. Moreover, a victim may be unwilling to testify against the trafficker because the victim is convinced they are in love. If the minor didn't testify against the trafficker, no case could be made.



- **A bill allowing victims of human trafficking to request their cases be moved to a specialized Human Trafficking Intervention Court located elsewhere in the county or an adjoining county, if one exists (Chapter 191).** These courts link victims of human trafficking and commercial sexual exploitation to crucial services that are appropriate for their individual situations, including counseling, job training, education, housing, medical assistance, immigration services, and substance abuse and mental health treatment. Further, the new law permits the establishment of additional human trafficking courts, if needed.
- **A bill requiring lodging facilities to post information regarding services available to victims of human trafficking (Chapter 190).** This new law amends the general business law to require any inn, hotel, motel, motor court, or other establishment that provides lodging (excluding buildings with five or fewer rooms that is occupied as a residence by the owner) to provide information cards in public areas, including public restrooms, individual guest rooms and near the public entrance or other conspicuous place in plain sight of the guests and employees.

Still awaiting action by the Governor:

- **A8401C/S8977** — A bill establishing a sexual assault survivor bill of rights to ensure victims are informed of their legal rights and available services and requires all law enforcement agencies to adopt policies for communicating with survivors that are victim-focused and trauma-informed.