



Legislation Text

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Res. No. 230

Resolution calling upon the New York State Legislature to enact A09954, “Nixzmary’s Law,” which would provide for police officers to enter without a search warrant for the purposes of investigating severe and repeated child abuse and maltreatment, or to investigate whether the safety of a child is endangered.

By Council Members Vallone Jr., Comrie, Gennaro, Gentile, Sears and Palma

Whereas, The current Criminal Procedure Law requires the New York City Police Department (NYPD) to obtain a warrant prior to entering a home to investigate allegations of child abuse; and

Whereas, Nixzmary Brown, a seven year-old girl, died in January 2006 at the home where she lived with her family, and was allegedly sexually abused, malnourished, and beaten to death by her stepfather; after a second report was made to the State Central Registry (SCR) in December 2005 by the school social worker regarding alleged physical abuse to Nixzmary, ACS Child Protective Services (CPS) caseworkers made four unsuccessful attempts to conduct home visits between December 2005 and January 2006; the tragic death of Nixzmary Brown may have been prevented if ACS caseworkers were able to enter her home without obtaining a warrant; and

Whereas, In the wake of this tragedy, New York State Assemblymember Darryl Towns introduced A09544, also known as “Nixzmary’s Law,” to prevent another child from suffering the abuse, maltreatment, and possible death, as in the case of Nixzmary Brown; this legislation would amend the Criminal Procedure Law to eliminate the need to undergo the lengthy process of acquiring a search warrant in serious cases of alleged child abuse; and

Whereas, Passing this legislation enhances the ability of ACS caseworkers and NYPD officers to fulfill the mission of ensuring the safety and well-being of New York City children, thus improving the protection of

children from abuse and neglect and increasing the prevention of resultant child fatalities; now, therefore, be it Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact A09954, "Nixzmary's Law," which would provide for police officers to enter without a search warrant for the purposes of investigating severe and repeated child abuse and maltreatment, or to investigate whether the safety of a child is endangered.

JPV
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