

S. 7126

A. 9438

S E N A T E - A S S E M B L Y

April 30, 2014

IN SENATE -- Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to improvements in the state central register of child abuse and maltreatment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivisions 2 and 3 of section 422 of the social services
2 law, subdivision 2 as amended by chapter 717 of the laws of 1986, para-
3 graph (a) of subdivision 2 as amended by chapter 574 of the laws of 2008
4 and subdivision 3 as added by chapter 1039 of the laws of 1973, are
5 amended to read as follows:
6 2. (a) The central register shall be capable of receiving telephone
7 calls AND ELECTRONIC REPORTS alleging child abuse or maltreatment and of
8 immediately identifying prior reports of child abuse or maltreatment and
9 capable of monitoring the provision of child protective service twenty-
10 four hours a day, seven days a week. To effectuate this purpose, but
11 subject to the provisions of the appropriate local plan for the
12 provision of child protective services, there shall be a single state-
13 wide telephone number AND INTERNET ADDRESS that all persons, whether
14 mandated by the law or not, may use to make telephone calls OR SEND
15 ELECTRONIC COMMUNICATIONS alleging child abuse or maltreatment and that
16 all persons so authorized by this title may use for determining the
17 existence of prior reports in order to evaluate the condition or circum-
18 stances of a child. In addition to the single statewide telephone number
19 AND INTERNET ADDRESS, there shall be a special unlisted express tele-
20 phone number and a telephone facsimile number AND INTERNET ADDRESS for
21 use only by persons mandated by law to make telephone calls, or to tran-
22 smit telephone facsimile OR ELECTRONIC information on a form provided by
23 the commissioner, alleging child abuse or maltreatment, and for use by
24 all persons so authorized by this title for determining the existence of
25 prior reports in order to evaluate the condition or circumstances of a
26 child. THE WEBPAGE CREATED TO ACCEPT ELECTRONIC REPORTS SHALL BE CAPA-
27 BLE OF RECEIVING DIGITAL IMAGES AND ELECTRONIC DOCUMENTS IN COMMON FILE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 FORMATS. When any allegations contained in such telephone calls OR ELEC-
2 TRONIC REPORT could reasonably constitute a report of child abuse or
3 maltreatment, such allegations shall be immediately transmitted orally
4 or electronically by the office of children and family services to the
5 appropriate local child protective service for investigation. The
6 inability of the person calling the register OR MAKING THE ALLEGATION
7 ONLINE to identify the alleged perpetrator shall, in no circumstance,
8 constitute the sole cause for the register to reject such allegation or
9 fail to transmit such allegation for investigation. If the records indi-
10 cate a previous report concerning a subject of the report, the child
11 alleged to be abused or maltreated, a sibling, other children in the
12 household, other persons named in the report or other pertinent informa-
13 tion, the appropriate local child protective service shall be immediate-
14 ly notified of the fact, except as provided in subdivision eleven of
15 this section. If the report involves either (i) an allegation of an
16 abused child described in paragraph (i), (ii) or (iii) of subdivision
17 (e) of section one thousand twelve of the family court act or sexual
18 abuse of a child or the death of a child or (ii) suspected maltreatment
19 which alleges any physical harm when the report is made by a person
20 required to report pursuant to section four hundred thirteen of this
21 title within six months of any other two reports that were indicated, or
22 may still be pending, involving the same child, sibling, or other chil-
23 dren in the household or the subject of the report, the office of chil-
24 dren and family services shall identify the report as such and note any
25 prior reports when transmitting the report to the local child protective
26 services for investigation.

27 (b) Any telephone call OR ELECTRONIC REPORT made by a person required
28 to report cases of suspected child abuse or maltreatment pursuant to
29 section four hundred thirteen of this [chapter] TITLE containing allega-
30 tions, which if true would constitute child abuse or maltreatment shall
31 constitute a report and shall be immediately transmitted orally or elec-
32 tronically by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES to
33 the appropriate local child protective service for investigation.

34 (c) Whenever a telephone call OR ELECTRONIC REPORT to the statewide
35 central register described in this section is received by the [depart-
36 ment] OFFICE OF CHILDREN AND FAMILY SERVICES, and the [department]
37 OFFICE OF CHILDREN AND FAMILY SERVICES finds that the person allegedly
38 responsible for abuse or maltreatment of a child cannot be a subject of
39 a report as defined in subdivision four of section four hundred twelve
40 of this [chapter] TITLE, but believes that the alleged acts or circum-
41 stances against a child described in the telephone call OR ELECTRONIC
42 REPORT may constitute a crime or an immediate threat to the child's
43 health or safety, the [department] OFFICE OF CHILDREN AND FAMILY
44 SERVICES, shall convey by the most expedient means available the infor-
45 mation contained in such telephone call OR ELECTRONIC REPORT to the
46 appropriate law enforcement agency, district attorney or other public
47 official empowered to provide necessary aid or assistance.

48 3. The central register shall include but not be limited to the
49 following information: all the information in the written AND ELECTRONIC
50 report; a record of the final disposition of the report, including
51 services offered and services accepted; the plan for rehabilitative
52 treatment; the names and identifying data, dates and circumstances of
53 any person requesting or receiving information from the register; and
54 any other information which the commissioner believes might be helpful
55 in the furtherance of the purposes of this chapter.

56 S 2. This act shall take effect January 1, 2016.