

3520

2015-2016 Regular Sessions

I N S E N A T E

February 11, 2015

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

AN ACT to amend the social services law, in relation to disclosure of reports of alleged child abuse and maltreatment; and to repeal subparagraph (q) of paragraph (A) of subdivision 4 of section 422 of such law relating to disclosures with regard to missing children

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

1 Section 1. The opening paragraph and subparagraphs (l) and (x) of
2 paragraph (A) of subdivision 4 of section 422 of the social services
3 law, the opening paragraph as amended by section 6 of part D of chapter
4 501 of the laws of 2012, subparagraph (l) as amended by chapter 35 of
5 the laws of 2001 and subparagraph (x) as amended by section 1 of part A
6 of chapter 327 of the laws of 2007, are amended to read as follows:
7 Reports made pursuant to this title as well as any other information
8 obtained, reports written or photographs taken concerning such reports
9 in the possession of the office or local departments, WHILE SUCH REPORTS
10 ARE PENDING OR AFTER SUCH REPORTS ARE INDICATED, shall be confidential
11 and shall only be made available to:
12 (l) a district attorney, an assistant district attorney or investi-
13 gator employed in the office of a district attorney, a sworn officer of
14 the division of state police, of the regional state park police, of a
15 city police department, or of a county, town or village police depart-
16 ment or county sheriff's office or department when such official
17 requests such information stating that [such information is necessary to
18 conduct a criminal investigation or criminal prosecution of a person,
19 that there is reasonable cause to believe that such person is the
20 subject of a report, and that it is reasonable to believe that due to
21 the nature of the crime under investigation or prosecution, such person
22 is the subject of a report, and that it is reasonable to believe that
23 due to that nature of the crime under investigation or prosecution,]

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

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1 such records may be related to [the] A criminal investigation or prose-
2 cution; AND PROVIDED, FURTHER, THAT A CRIMINAL JUSTICE AGENCY CONDUCTING
3 AN INVESTIGATION OF AN ALLEGED MISSING CHILD OR A CHILD WHOSE PRESENCE
4 CANNOT BE LOCATED, AND WHERE THERE IS REASON TO SUSPECT SUCH CHILD OR
5 SUCH CHILD'S SIBLING, PARENT, GUARDIAN, OR OTHER RELEVANT FAMILY MEMBER,
6 OR ANY OTHER PERSON LEGALLY RESPONSIBLE FOR SUCH CHILD MAY BE A PERSON
7 NAMED IN AN INDICATED, PENDING OR UNFOUNDED REPORT OF CHILD ABUSE OR
8 MALTREATMENT, OR NAMED IN ANY PRIOR OR OPEN FOSTER CARE RECORDS,
9 COMPILED PURSUANT TO ARTICLE SIX OF THIS CHAPTER, RELATING TO THE CHILD
10 IN QUESTION, THEN ALL SUCH INFORMATION REPORTS AND PHOTOGRAPHS (INCLUD-
11 ING FOSTER CARE RECORDS) SHALL BE MADE AVAILABLE TO THE CRIMINAL JUSTICE
12 AGENCY IN AN EXPEDITIOUS MANNER, NOTWITHSTANDING ANY OTHER PROVISION OF
13 LAW TO THE CONTRARY;

14 (x) members of a local or regional multidisciplinary investigative
15 team as established pursuant to subdivision six of section four hundred
16 twenty-three of this title, OR THEIR DESIGNEES;

17 S 2. Subparagraph (q) of paragraph (A) of subdivision 4 of section 422
18 of the social services law is REPEALED.

19 S 3. This act shall take effect immediately.