S T A T E O F N E W Y O R K

3352

2009-2010 Regular Sessions

I N A S S E M B L Y

January 27, 2009

Introduced by M. of A. BRADLEY, WRIGHT, WEISENBERG, JOHN, ABBATE, PERALTA, FIELDS, BENJAMIN, GALEF, EDDINGTON, GABRYSZAK, KAVANAGH -- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, COOK, GREENE, GUNTHER, HOOPER, P. LOPEZ, MAYERSOHN, MILLMAN, PHEFFER, REILLY, SEMINERIO, SWEENEY -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to determinations made by the statewide central register of child abuse and maltreatment

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

Section 1. Paragraph (a) of subdivision 2 of section 422 of the social services law, as amended by chapter 494 of the laws of 2006, is amended to read as follows:

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner OF CHILDREN AND FAMILY SERVICES, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the

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

LBD03367-02-9

condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, such allegations shall be immediately transmitted orally or electronically by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. WHEN DETERMINING IF THE ALLEGATIONS CONTAINED IN A TELEPHONE CALL COULD REASONABLY CONSTITUTE A REPORT OF CHILD ABUSE OR MALTREATMENT, SUCH OFFICE SHALL EXAMINE THE PRIOR HISTORY OF THE SUBJECT AND ANY OTHER PERSON NAMED IN THE ALLEGATION, SPECIFICALLY INCLUDING ALL PREVIOUS CALLS PLACED TO THE CENTRAL REGISTER RELATING TO THE SUBJECT OR ANY OTHER PERSON NAMED IN THE ALLEGATION REGARDLESS OF WHETHER SUCH CALLS RESULTED IN A REPORT. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) suspected physical injury as described in paragraph (i) of subdivision (e) of section ten hundred twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the department shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

S 2. Paragraph (a) of subdivision 2 of section 422 of the social services law, as amended by chapter 574 of the laws of 2008, is amended to read as follows:

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner OF CHILDREN AND FAMILY SERVICES, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, such allegations shall be immediately transmitted orally or electronically by the office of children and family services to

the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. WHEN DETERMINING IF THE ALLEGATIONS CONTAINED IN A TELEPHONE CALL COULD REASONABLY CONSTITUTE A REPORT OF CHILD ABUSE OR MALTREATMENT, SUCH OFFICE SHALL EXAMINE THE PRIOR HISTORY OF THE SUBJECT AND ANY OTHER PERSON NAMED IN THE ALLEGATION, SPECIFICALLY INCLUDING ALL PREVIOUS CALLS PLACED TO THE CENTRAL REGISTER RELATING TO THE SUBJECT OR ANY OTHER PERSON NAMED IN THE ALLEGATION REGARDLESS OF WHETHER SUCH CALLS RESULTED IN A REPORT. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

S 3. This act shall take effect immediately; provided, however that section two of this act shall take effect on the same date and in the same manner as section 1 of chapter 574 of the laws of 2008, takes effect.