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

3812--B

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. SCARBOROUGH, HOYT, PAULIN, CLARK, ROBINSON, BENJAMIN, TITUS, N. RIVERA, JAFFEE, BARRON -- Multi-Sponsored by -- M. of A. GLICK, KOLB, LAVINE, McENENY, PHEFFER, TOWNSEND -- read once and referred to the Committee on Children and Families -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Children and Families in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to mandating the recording of calls made to 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. Subdivision 2 of section 422 of the social services law is amended by adding a new paragraph (d) to read as follows:

(D) (I) ALL TELEPHONE CALLS MADE TO THE STATEWIDE CENTRAL REGISTER BY PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE AND MALTREATMENT AS DEFINED IN SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE SHALL BE RECORDED. ALL PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE AND MALTREATMENT AS DEFINED IN THIS SECTION SHALL BE INFORMED BY THE STATEWIDE CENTRAL REGISTRY THAT SUCH CALL IS BEING RECORDED. FOR ANY TELEPHONE CALL THAT CONSTITUTES A REPORT, SUCH RECORDING SHALL BE MAINTAINED FOR THE LENGTH OF TIME OTHERWISE REQUIRED BY THIS SECTION FOR MAINTENANCE OF ALL RECORDS THAT RELATE TO SUCH REPORT. FOR ANY TELEPHONE CALL THAT DOES NOT CONSTITUTE A REPORT, SUCH RECORDING SHALL BE MAINTAINED FOR FIVE YEARS.

(II) ALL SUCH RECORDINGS SHALL BE CONFIDENTIAL AND SHALL NOT BE CONSIDERED AS PART OF THE RECORD UNDER PARAGRAPH (A) OF SUBDIVISION FOUR OF THIS SECTION AND SHALL ONLY BE AVAILABLE TO THE STATEWIDE CENTRAL

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

LBD04464-05-0

REGISTER OF CHILD ABUSE AND MALTREATMENT FOR THE PURPOSES OF QUALITY ASSURANCE AND ENHANCED CHILD SAFETY.

(III) A COURT MAY DIRECT DISCLOSURE OF A RECORDING OR RECORDINGS UNDER THIS SUBDIVISION UPON A FINDING THAT SUCH RECORDING OR RECORDINGS ARE NECESSARY TO A DETERMINATION BEFORE THE COURT DURING A CRIMINAL PROCEEDING CONCERNING A VIOLATION OF SUBDIVISION FOUR OF SECTION 240.50 OF THE PENAL LAW.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.