

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:

1 Section 1. Paragraph (a) of subdivision 2 of section 422 of the social
2 services law, as amended by chapter 494 of the laws of 2006, is amended
3 to read as follows:
4 (a) The central register shall be capable of receiving telephone calls
5 alleging child abuse or maltreatment and of immediately identifying
6 prior reports of child abuse or maltreatment and capable of monitoring
7 the provision of child protective service twenty-four hours a day, seven
8 days a week. To effectuate this purpose, but subject to the provisions
9 of the appropriate local plan for the provision of child protective
10 services, there shall be a single statewide telephone number that all
11 persons, whether mandated by the law or not, may use to make telephone
12 calls alleging child abuse or maltreatment and that all persons so
13 authorized by this title may use for determining the existence of prior
14 reports in order to evaluate the condition or circumstances of a child.
15 In addition to the single statewide telephone number, there shall be a
16 special unlisted express telephone number and a telephone facsimile
17 number for use only by persons mandated by law to make telephone calls,
18 or to transmit telephone facsimile information on a form provided by the
19 commissioner OF CHILDREN AND FAMILY SERVICES, alleging child abuse or
20 maltreatment, and for use by all persons so authorized by this title for
21 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

1 condition or circumstances of a child. When any allegations contained in
2 such telephone calls could reasonably constitute a report of child abuse
3 or maltreatment, such allegations shall be immediately transmitted oral-
4 ly or electronically by the [department] OFFICE OF CHILDREN AND FAMILY
5 SERVICES to the appropriate local child protective service for investi-
6 gation. The inability of the person calling the register to identify the
7 alleged perpetrator shall, in no circumstance, constitute the sole cause
8 for the register to reject such allegation or fail to transmit such
9 allegation for investigation. WHEN DETERMINING IF THE ALLEGATIONS
10 CONTAINED IN A TELEPHONE CALL COULD REASONABLY CONSTITUTE A REPORT OF
11 CHILD ABUSE OR MALTREATMENT, SUCH OFFICE SHALL EXAMINE THE PRIOR HISTORY
12 OF THE SUBJECT AND ANY OTHER PERSON NAMED IN THE ALLEGATION, SPECIF-
13 ICALLY INCLUDING ALL PREVIOUS CALLS PLACED TO THE CENTRAL REGISTER
14 RELATING TO THE SUBJECT OR ANY OTHER PERSON NAMED IN THE ALLEGATION
15 REGARDLESS OF WHETHER SUCH CALLS RESULTED IN A REPORT. If the records
16 indicate a previous report concerning a subject of the report, the child
17 alleged to be abused or maltreated, a sibling, other children in the
18 household, other persons named in the report or other pertinent informa-
19 tion, the appropriate local child protective service shall be immediate-
20 ly notified of the fact, except as provided in subdivision eleven of
21 this section. If the report involves either (i) suspected physical
22 injury as described in paragraph (i) of subdivision (e) of section ten
23 hundred twelve of the family court act or sexual abuse of a child or the
24 death of a child or (ii) suspected maltreatment which alleges any phys-
25 ical harm when the report is made by a person required to report pursu-
26 ant to section four hundred thirteen of this title within six months of
27 any other two reports that were indicated, or may still be pending,
28 involving the same child, sibling, or other children in the household or
29 the subject of the report, the department shall identify the report as
30 such and note any prior reports when transmitting the report to the
31 local child protective services for investigation.

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

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

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

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