

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

7031

2011-2012 Regular Sessions

I N A S S E M B L Y

April 11, 2011

Introduced by M. of A. SCARBOROUGH, HOYT, PAULIN, CLARK, ROBINSON, COOK, TITUS, N. RIVERA, JAFFEE, BARRON -- Multi-Sponsored by -- M. of A. GLICK, KOLB, LAVINE, MAGEE, McENENY, PHEFFER, SCHIMEL -- read once and referred to the Committee on Children and Families

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:

1 Section 1. Subdivision 2 of section 422 of the social services law is
2 amended by adding a new paragraph (d) to read as follows:
3 (D) (I) ALL TELEPHONE CALLS MADE TO THE STATEWIDE CENTRAL REGISTER BY
4 PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE AND MALTREAT-
5 MENT AS DEFINED IN SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE SHALL BE
6 RECORDED. ALL PERSONS REQUIRED TO REPORT CASES OF SUSPECTED CHILD ABUSE
7 AND MALTREATMENT AS DEFINED IN THIS SECTION SHALL BE INFORMED BY THE
8 STATEWIDE CENTRAL REGISTRY THAT SUCH CALL IS BEING RECORDED. FOR ANY
9 TELEPHONE CALL THAT CONSTITUTES A REPORT, SUCH RECORDING SHALL BE MAIN-
10 TAINED FOR THE LENGTH OF TIME OTHERWISE REQUIRED BY THIS SECTION FOR
11 MAINTENANCE OF ALL RECORDS THAT RELATE TO SUCH REPORT. FOR ANY TELEPHONE
12 CALL THAT DOES NOT CONSTITUTE A REPORT, SUCH RECORDING SHALL BE MAIN-
13 TAINED FOR FIVE YEARS.
14 (II) ALL SUCH RECORDINGS SHALL BE CONFIDENTIAL AND SHALL NOT BE
15 CONSIDERED AS PART OF THE RECORD UNDER PARAGRAPH (A) OF SUBDIVISION FOUR
16 OF THIS SECTION AND SHALL ONLY BE AVAILABLE TO THE STATEWIDE CENTRAL
17 REGISTER OF CHILD ABUSE AND MALTREATMENT FOR THE PURPOSES OF QUALITY
18 ASSURANCE AND ENHANCED CHILD SAFETY.
19 (III) A COURT MAY DIRECT DISCLOSURE OF A RECORDING OR RECORDINGS UNDER
20 THIS SUBDIVISION UPON A FINDING THAT SUCH RECORDING OR RECORDINGS ARE
21 NECESSARY TO A DETERMINATION BEFORE THE COURT DURING A CRIMINAL PROCEED-

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

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1 ING CONCERNING A VIOLATION OF SUBDIVISION FOUR OF SECTION 240.50 OF THE
2 PENAL LAW.
3 S 2. This act shall take effect on the first of April next succeeding
4 the date on which it shall have become a law.