

6404

2011-2012 Regular Sessions

I N A S S E M B L Y

March 16, 2011

Introduced by M. of A. TITUS, WRIGHT, ABBATE, GABRYSZAK, KAVANAGH, GALEF
-- Multi-Sponsored by -- M. of A. BOYLAND, CAHILL, COOK, GUNTHER,
HOOPER, MAYERSOHN, MILLMAN, PHEFFER, REILLY, P. RIVERA, 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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (a) of subdivision 2 of section 422 of the
2 social services law, as amended by chapter 574 of the laws of 2008, is
3 amended 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
22 condition or circumstances of a child. When any allegations contained in
23 such telephone calls could reasonably constitute a report of child abuse

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

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