

6404

2011-2012 Regular Sessions

I N   A S S E M B L Y

March 16, 2011

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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 ASSEMBLY,  
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.