

S. 6344

A. 8430

S E N A T E - A S S E M B L Y

January 15, 2014

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IN SENATE -- Introduced by Sen. KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

IN ASSEMBLY -- Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to assisting mandated reporters of child abuse or maltreatment to maintain the child's safety

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The second undesignated paragraph of paragraph (A) of  
2     subdivision 4 of section 422 of the social services law, as amended by  
3     section 6 of part D of chapter 501 of the laws of 2012, is amended to  
4     read as follows:  
5     After a child, other than a child in residential care, who is reported  
6     to the central register of abuse or maltreatment reaches the age of  
7     eighteen years, access to a child's record under subparagraphs (a) and  
8     (b) of this paragraph shall be permitted only if a sibling or off-spring  
9     of such child is before such person and is a suspected victim of child  
10    abuse or maltreatment. In addition, a person or official required to  
11    make a report of suspected child abuse or maltreatment pursuant to  
12    section four hundred thirteen of this chapter shall receive, upon  
13    request, the findings of an investigation made pursuant to this title.  
14    However, no information may be released unless the person or official's  
15    identity is confirmed by the office. [If the request for such informa-  
16    tion is made prior to the completion of an investigation of a report,  
17    the released information shall be limited to whether the report is  
18    "indicated", "unfounded" or "under investigation", whichever the case  
19    may be.] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITHIN THIRTY  
20    CALENDAR DAYS AFTER RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE OR  
21    MALTREATMENT FROM A PERSON OR OFFICIAL REQUIRED TO MAKE SUCH A REPORT  
22    PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE, A COUNTY  
23    DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE MANDATED

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

LBD13220-01-3

1 REPORTER FOR THE PURPOSE OF ASSISTING THE MANDATED REPORTER IN HIS OR  
2 HER PROFESSIONAL AND OFFICIAL ROLE IN MAINTAINING THE CHILD'S SAFETY:  
3 (I) THE NAME OF THE CHILD AND THE DATE IN WHICH THE REPORT WAS MADE;  
4 (II) WHETHER THE REFERRAL WAS ACCEPTED FOR ASSESSMENT; (III) WHETHER THE  
5 REFERRAL WAS CLOSED WITHOUT SERVICES; (IV) WHETHER THE ASSESSMENT  
6 RESULTED IN SERVICES RELATED TO THE SAFETY OF THE CHILD; AND (V) THE  
7 NAME AND CONTACT INFORMATION FOR THE COUNTY CASEWORKER RESPONSIBLE FOR  
8 INVESTIGATING THE REFERRAL. If the request for such information is made  
9 after the completion of an investigation of a report, the released  
10 information shall be limited to whether the report is "indicated" or  
11 "unfounded", whichever the case may be. A person given access to the  
12 names or other information identifying the subjects of the report, or  
13 other persons named in the report, except the subject of the report or  
14 other persons named in the report, shall not divulge or make public such  
15 identifying information unless he or she is a district attorney or other  
16 law enforcement official and the purpose is to initiate court action or  
17 the disclosure is necessary in connection with the investigation or  
18 prosecution of the subject of the report for a crime alleged to have  
19 been committed by the subject against another person named in the  
20 report. Nothing in this section shall be construed to permit any  
21 release, disclosure or identification of the names or identifying  
22 descriptions of persons who have reported suspected child abuse or  
23 maltreatment to the statewide central register or the agency, institu-  
24 tion, organization, program or other entity where such persons are  
25 employed or the agency, institution, organization or program with which  
26 they are associated without such persons' written permission except to  
27 persons, officials, and agencies enumerated in subparagraphs (e), (f),  
28 (h), (j), (l), (m) and (v) of this paragraph.  
29 S 2. This act shall take effect immediately.