

7043

I N   S E N A T E

April 21, 2014

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

AN ACT to amend the social services law, in relation to transmitting the history of record of all previous reports and previous calls to the central register to the appropriate local child protective services for investigation

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 574 of the laws of 2008, 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, alleging child abuse or maltreatment, and for use by all  
20    persons so authorized by this title for determining the existence of  
21    prior reports in order to evaluate the condition or circumstances of a  
22    child. When any allegations contained in such telephone calls could  
23    reasonably constitute a report of child abuse or maltreatment, such  
24    allegations AND THE RECORD OF ALL PREVIOUS REPORTS AND CALLS, INCLUDING  
25    RECORDS OF CALLS NOT ACCEPTED FOR LOCAL DISTRICT INVESTIGATION, TO THE  
26    CENTRAL REGISTER INVOLVING THE SUBJECT OF THE REPORT OR CHILDREN NAMED

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

LBD14785-02-4

1 IN THE REPORT, INCLUDING ALL PREVIOUS CALLS THAT CONTAIN ALLEGATIONS OF  
2 CHILD ABUSE AND MALTREATMENT THAT ARE ALLEGED TO HAVE OCCURRED IN OTHER  
3 COUNTIES AND DISTRICTS IN NEW YORK STATE, shall be immediately transmit-  
4 ted orally or electronically by the 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. If the records indicate a previous report  
10 concerning a subject of the report, the child alleged to be abused or  
11 maltreated, a sibling, other children in the household, other persons  
12 named in the report or other pertinent information, the appropriate  
13 local child protective service shall be immediately notified of the  
14 fact[, except as provided in subdivision eleven of this section]. If the  
15 report involves either (i) an allegation of an abused child described in  
16 paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand  
17 twelve of the family court act or sexual abuse of a child or the death  
18 of a child or (ii) suspected maltreatment which alleges any physical  
19 harm when the report is made by a person required to report pursuant to  
20 section four hundred thirteen of this title within six months of any  
21 other two reports that were indicated, or may still be pending, involv-  
22 ing the same child, sibling, or other children in the household or the  
23 subject of the report, the office of children and family services shall  
24 identify the report as such and note any prior reports when transmitting  
25 the report to the local child protective services for investigation.

26 S 2. This act shall take effect on the first of April next succeeding  
27 the date on which it shall have become a law.