

7044

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 certain information to the local child protective services

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 shall be immediately transmitted orally or electronically by  
25 the office of children and family services to the appropriate local  
26 child protective service for investigation. The inability of the person  
27 calling the register to identify the alleged perpetrator shall, in no  
28 circumstance, constitute the sole cause for the register to reject such

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

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1 allegation or fail to transmit such allegation for investigation. If the  
2 records indicate a previous report concerning a subject of the report,  
3 the child alleged to be abused or maltreated, a sibling, other children  
4 in the household, other persons named in the report or other pertinent  
5 information, the appropriate local child protective service shall be  
6 immediately notified of the fact, except as provided in subdivision  
7 eleven of this section. If the report involves either (i) an allegation  
8 of an abused child described in paragraph (i), (ii) or (iii) of subdivi-  
9 sion (e) of section one thousand twelve of the family court act or sexu-  
10 al abuse of a child or the death of a child or (ii) suspected maltreat-  
11 ment which alleges any physical harm when the report is made by a person  
12 required to report pursuant to section four hundred thirteen of this  
13 title within six months of any other two reports that were indicated, or  
14 may still be pending, involving the same child, sibling, or other chil-  
15 dren in the household or the subject of the report, the office of chil-  
16 dren and family services shall identify the report as such and note any  
17 prior reports when transmitting the report to the local child protective  
18 services for investigation. THE OFFICE OF CHILDREN AND FAMILY SERVICES  
19 SHALL IMMEDIATELY DETERMINE AND THEN NOTIFY THE APPROPRIATE LOCAL CHILD  
20 PROTECTIVE SERVICES IF A SUBJECT OF AN ALLEGATION OF CHILD ABUSE OR  
21 MALTREATMENT IS THE OPERATOR OF A LICENSED OR REGISTERED CHILD CARE  
22 FACILITY, OR ANY SIMILAR FACILITY THAT RECEIVES FUNDING PURSUANT TO  
23 TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER, OR IF ANY PERSON NAMED IN A  
24 REPORT IS A KNOWN SEX OFFENDER OR TO HAVE PREVIOUSLY BEEN THE SUBJECT OF  
25 AN INDICATED REPORT OF ABUSE OR NEGLECT. SUCH NOTICE TO THE LOCAL CHILD  
26 PROTECTIVE SERVICES SHALL TAKE PLACE AT THE TIME THAT THE OFFICE OF  
27 CHILDREN AND FAMILY SERVICES TRANSMITS THE REPORT OF SUSPECTED CHILD  
28 ABUSE OR NEGLECT REQUIRED BY THIS SUBDIVISION.

29 S 2. This act shall take effect immediately.