

5942--A

2013-2014 Regular Sessions

I N S E N A T E

October 2, 2013

Introduced by Sens. KENNEDY, BRESLIN, DILAN, ESPAILLAT, LATIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 condition or circumstances of a child. When any allegations contained in
2 such telephone calls could reasonably constitute a report of child abuse
3 or maltreatment, such allegations AND ANY PREVIOUS REPORTS TO THE
4 CENTRAL REGISTRY INVOLVING THE SUBJECT OF SUCH REPORT OR CHILDREN NAMED
5 IN SUCH REPORT, INCLUDING ANY PREVIOUS REPORT CONTAINING ALLEGATIONS OF
6 CHILD ABUSE AND MALTREATMENT ALLEGED TO HAVE OCCURRED IN OTHER COUNTIES
7 AND DISTRICTS IN NEW YORK STATE shall be immediately transmitted orally
8 or electronically by the office of children and family services to the
9 appropriate local child protective service for investigation. The
10 inability of the person calling the register to identify the alleged
11 perpetrator shall, in no circumstance, constitute the sole cause for the
12 register to reject such allegation or fail to transmit such allegation
13 for investigation. If the records indicate a previous report concerning
14 a subject of the report, the child alleged to be abused or maltreated, a
15 sibling, other children in the household, other persons named in the
16 report or other pertinent information, the appropriate local child
17 protective service shall be immediately notified of the fact[, except as
18 provided in subdivision eleven of this section]. If the report involves
19 either (i) an allegation of an abused child described in paragraph (i),
20 (ii) or (iii) of subdivision (e) of section one thousand twelve of the
21 family court act or sexual abuse of a child or the death of a child or
22 (ii) suspected maltreatment which alleges any physical harm when the
23 report is made by a person required to report pursuant to section four
24 hundred thirteen of this title within six months of any other two
25 reports that were indicated, or may still be pending, involving the same
26 child, sibling, or other children in the household or the subject of the
27 report, the office of children and family services shall identify the
28 report as such and note any prior reports when transmitting the report
29 to the local child protective services for investigation.

30 S 2. This act shall take effect immediately.