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I N S E N A T E

May 6, 2014

Introduced by Sen. FELDER -- 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 reports of child abuse or 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 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 ARTICLE eleven of this [section] CHAPTER. THE PERSON CALLING SHALL BE
8 ASKED IF THEY HAVE A REASONABLE SUSPICION THAT THE PERSON OR PERSONS
9 ALLEGED TO BE ABUSING OR MALTREATING A CHILD OR CHILDREN IS OR ARE ON
10 PROBATION OR PAROLE. IN THE CASE THAT THE PERSON CALLING HAS SUCH A
11 REASONABLE SUSPICION, SUCH INFORMATION SHALL BE INCLUDED IN THE REPORT
12 TRANSMITTED TO THE LOCAL CHILD PROTECTIVE SERVICE. If the report
13 involves either (i) an allegation of an abused child described in para-
14 graph (i), (ii) or (iii) of subdivision (e) of section one thousand
15 twelve of the family court act or sexual abuse of a child or the death
16 of a child or (ii) suspected maltreatment which alleges any physical
17 harm when the report is made by a person required to report pursuant to
18 section four hundred thirteen of this title within six months of any
19 other two reports that were indicated, or may still be pending, involv-
20 ing the same child, sibling, or other children in the household or the
21 subject of the report, the office of children and family services shall
22 identify the report as such and note any prior reports when transmitting
23 the report to the local child protective services for investigation.

24 S 2. Subparagraph (k) of paragraph (A) of subdivision 4 of section 422
25 of the social services law, as amended by section 153 of subpart B of
26 part C of chapter 62 of the laws of 2011, is amended to read as follows:

27 (k) a probation service OR THE STATE BOARD OF PAROLE WHERE A CHILD
28 PROTECTIVE SERVICE HAS REASON TO BELIEVE THAT THE SUBJECT OF THE REPORT
29 IS OR MAY BE ON PROBATION OR PAROLE, OR IF A PROBATION SERVICE IS
30 conducting an investigation pursuant to article three or seven or
31 section six hundred fifty-three of the family court act where there is
32 reason to suspect the child or the child's sibling may have been abused
33 or maltreated and such child or sibling, parent, guardian or other
34 person legally responsible for the child is a person named in an indi-
35 cated report of child abuse or maltreatment and that such information is
36 necessary for the making of a determination or recommendation to the
37 court; or a probation service regarding a person about whom it is
38 conducting an investigation pursuant to article three hundred ninety of
39 the criminal procedure law, or a probation service or the department of
40 corrections and community supervision regarding a person to whom the
41 service or department is providing supervision pursuant to article sixty
42 of the penal law or article eight of the correction law, where the
43 subject of investigation or supervision has been convicted of a felony
44 under article one hundred twenty, one hundred twenty-five or one hundred
45 thirty-five of the penal law or any felony or misdemeanor under article
46 one hundred thirty, two hundred thirty-five, two hundred forty-five, two
47 hundred sixty or two hundred sixty-three of the penal law, or has been
48 indicted for any such felony and, as a result, has been convicted of a
49 crime under the penal law, where the service or department requests the
50 information upon a certification that such information is necessary to
51 conduct its investigation, that there is reasonable cause to believe
52 that the subject of an investigation is the subject of an indicated
53 report and that there is reasonable cause to believe that such records
54 are necessary to the investigation by the probation service or the
55 department, provided, however, that only indicated reports shall be
56 furnished pursuant to this subdivision;

1 S 3. Paragraph (a) of subdivision 6 of section 424 of the social
2 services law, as amended by chapter 602 of the laws of 2008, is amended
3 to read as follows:

4 (a) upon receipt of such report, commence or cause the appropriate
5 society for the prevention of cruelty to children to commence, within
6 twenty-four hours, an appropriate investigation which shall include an
7 evaluation of the environment of the child named in the report and any
8 other children in the same home and a determination of the risk to such
9 children if they continue to remain in the existing home environment, as
10 well as a determination of the nature, extent and cause of any condition
11 enumerated in such report and the name, age and condition of other chil-
12 dren in the home, and, after seeing to the safety of the child or chil-
13 dren, forthwith notify the subjects of the report and other persons
14 named in the report in writing of the existence of the report and their
15 respective rights pursuant to this title in regard to amendment. IF AT
16 ANY TIME DURING SUCH INVESTIGATION, THERE IS REASONABLE CAUSE TO BELIEVE
17 THE SUBJECT OF THE REPORT IS ON PROBATION OR PAROLE, THE CHILD PROTEC-
18 TIVE SERVICE SHALL PROVIDE NOTICE TO THE APPROPRIATE PROBATION SERVICE
19 OR THE STATE BOARD OF PAROLE OF THE EXISTENCE OF SUCH REPORT, AND
20 PROVIDE A COPY THEREOF AND THE STATUS OF THE INVESTIGATION TO SUCH
21 SERVICE OR BOARD.

22 S 4. This act shall take effect on the sixtieth day after it shall
23 have become a law.