S T A T E O F N E W Y O R K

3588

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the receipt of electronic reports by the state central register of child abuse and maltreatment; and to require the office of children and family services to develop and implement a web intake incident form for the receipt of electronic communications alleging child abuse or maltreatment

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

Section 1. Subdivisions 2 and 3 of section 422 of the social services law, subdivision 2 as amended by chapter 717 of the laws of 1986, paragraph (a) of subdivision 2 as amended by chapter 357 of the laws of 2014 and subdivision 3 as added by chapter 1039 of the laws of 1973, are amended to read as follows:

2. (a) The central register shall be capable of receiving telephone calls AND ELECTRONIC REPORTS alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number AND INTERNET ADDRESS that all persons, whether mandated by the law or not, may use to make telephone calls OR SEND ELECTRONIC COMMUNICATIONS alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number AND INTERNET ADDRESS, there shall be a special unlisted express telephone number and a telephone facsimile number AND INTERNET ADDRESS for use only by persons mandated by law to make telephone calls, or to

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

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transmit telephone facsimile OR ELECTRONIC information on a form provided by the commissioner of children and family services, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. THE WEBPAGE CREATED TO ACCEPT ELECTRONIC REPORTS SHALL BE CAPABLE OF RECEIVING DIGITAL IMAGES AND ELECTRONIC DOCUMENTS IN COMMON FILE FORMATS. When any allegations contained in such telephone calls OR ELECTRONIC REPORT could reasonably constitute a report of child abuse or maltreatment, such allegations and any previous reports to the central registry involving the subject of such report or children named in such report, including any previous report containing allegations of child abuse and maltreatment alleged to have occurred in other counties and districts in New York state shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register OR MAKING THE ALLEGATION ONLINE to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

(b) Any telephone call OR ELECTRONIC REPORT made by a person required to report cases of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this [chapter] TITLE containing allegations, which if true would constitute child abuse or maltreatment shall constitute a report and shall be immediately transmitted orally or electronically by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES to the appropriate local child protective service for investigation.

(c) Whenever a telephone call OR ELECTRONIC REPORT to the statewide central register described in this section is received by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES, and the [department] OFFICE OF CHILDREN AND FAMILY SERVICES finds that the person allegedly responsible for abuse or maltreatment of a child cannot be a subject of a report as defined in subdivision four of section four hundred twelve of this [chapter] TITLE, but believes that the alleged acts or circumstances against a child described in the telephone call OR ELECTRONIC REPORT may constitute a crime or an immediate threat to the child's health or safety, the [department] OFFICE OF CHILDREN AND FAMILY SERVICES, shall convey by the most expedient means available the information contained in such telephone call OR ELECTRONIC REPORT to the

appropriate law enforcement agency, district attorney or other public official empowered to provide necessary aid or assistance.

3. The central register shall include but not be limited to the following information: all the information in the written AND ELECTRONIC report; a record of the final disposition of the report, including services offered and services accepted; the plan for rehabilitative treatment; the names and identifying data, dates and circumstances of any person requesting or receiving information from the register; and any other information which the commissioner believes might be helpful in the furtherance of the purposes of this chapter.

S 2. 1. The office of children and family services shall develop and implement a web intake incident form on the office of children and family services website for the receipt of electronic communications alleging child abuse or maltreatment as authorized pursuant to section 422 of the social services law.

2. The web intake incident form shall include but not be limited to:

(a) Information for mandated reporters;

(b) Information for when the use of the web intake incident form is appropriate, including notification that use of the online form should not be used to report an incident that is an emergency and that the reporter should immediately contact emergency services;

(c) Space to provide details on the incident in question, victim information, information of the perpetrator, and the reporter's contact information, if applicable;

(d) Any information required pursuant to section 422 of the social services law or other applicable sections of law;

(e) The ability to attach digital images and electronic documents in common file formats; and

(f) A review page of the information entered on the form prior to the electronic submission of the report.

S 3. This act shall take effect one year after this act shall have become a law. Effective immediately, the commissioner of the office of children and family services is authorized to promulgate any and all rules and regulations and take any other measures necessary to implement this act on its effective date, on or before such date.