

3937

2015-2016 Regular Sessions

I N   S E N A T E

February 23, 2015

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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 357 of the laws of 2014, 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 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  
22    condition or circumstances of a child. When any allegations contained in  
23    such telephone calls could reasonably constitute a report of child abuse  
24    or maltreatment, such allegations and any previous reports to the  
25    central registry involving the subject of such report or children named

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

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1 in such report, including any previous report containing allegations of  
2 child abuse and maltreatment alleged to have occurred in other counties  
3 and districts in [New York] THE state shall be immediately transmitted  
4 orally or electronically by the office of children and family services  
5 to the appropriate local child protective service for investigation. The  
6 inability of the person calling the register to identify the alleged  
7 perpetrator shall, in no circumstance, constitute the sole cause for the  
8 register to reject such allegation or fail to transmit such allegation  
9 for investigation. If the records indicate a previous report concerning  
10 a subject of the report, the child alleged to be abused or maltreated, a  
11 sibling, other children in the household, other persons named in the  
12 report or other pertinent information, the appropriate local child  
13 protective service shall be immediately notified of the fact. THE  
14 PERSON CALLING SHALL BE ASKED IF THEY HAVE A REASONABLE SUSPICION THAT  
15 THE PERSON OR PERSONS ALLEGED TO BE ABUSING OR MALTREATING A CHILD OR  
16 CHILDREN IS OR ARE ON PROBATION OR PAROLE. IN THE CASE THAT THE PERSON  
17 CALLING HAS SUCH A REASONABLE SUSPICION, SUCH INFORMATION SHALL BE  
18 INCLUDED IN THE REPORT TRANSMITTED TO THE LOCAL CHILD PROTECTIVE  
19 SERVICE. If the report involves either (i) an allegation of an abused  
20 child described in paragraph (i), (ii) or (iii) of subdivision (e) of  
21 section one thousand twelve of the family court act or sexual abuse of a  
22 child or the death of a child or (ii) suspected maltreatment which  
23 alleges any physical harm when the report is made by a person required  
24 to report pursuant to section four hundred thirteen of this title within  
25 six months of any other two reports that were indicated, or may still be  
26 pending, involving the same child, sibling, or other children in the  
27 household or the subject of the report, the office of children and fami-  
28 ly services shall identify the report as such and note any prior reports  
29 when transmitting the report to the local child protective services for  
30 investigation.

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

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

1 information upon a certification that such information is necessary to  
2 conduct its investigation, that there is reasonable cause to believe  
3 that the subject of an investigation is the subject of an indicated  
4 report and that there is reasonable cause to believe that such records  
5 are necessary to the investigation by the probation service or the  
6 department, provided, however, that only indicated reports shall be  
7 furnished pursuant to this subdivision;

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

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

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