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

754

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. KENNEDY, BRESLIN, DILAN, ESPAILLAT, LATIMER -- 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 assisting mandated reporters of child abuse or maltreatment to maintain the child's safety

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

Section 1. The second undesignated paragraph of paragraph (A) of subdivision 4 of section 422 of the social services law, as amended by section 6 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

After a child, other than a child in residential care, who is reported to the central register of abuse or maltreatment reaches the age of eighteen years, access to a child's record under subparagraphs (a) and (b) of this paragraph shall be permitted only if a sibling or off-spring of such child is before such person and is a suspected victim of child abuse or maltreatment. In addition, a person or official required to make a report of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this chapter shall receive, upon request, the findings of an investigation made pursuant to this title. However, no information may be released unless the person or official's identity is confirmed by the office. [If the request for such information is made prior to the completion of an investigation of a report, the released information shall be limited to whether the report is "indicated", "unfounded" or "under investigation", whichever the case may be.] NOTWITHSTANDING ANY OTHER PROVISION OF LAW, WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF A REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT FROM A PERSON OR OFFICIAL REQUIRED TO MAKE SUCH A REPORT PURSUANT TO SECTION FOUR HUNDRED THIRTEEN OF THIS TITLE, A COUNTY

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

DEPARTMENT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE MANDATED REPORTER FOR THE PURPOSE OF ASSISTING THE MANDATED REPORTER IN HIS OR HER PROFESSIONAL AND OFFICIAL ROLE IN MAINTAINING THE CHILD'S SAFETY: (I) THE NAME OF THE CHILD AND THE DATE IN WHICH THE REPORT WAS MADE; (II) WHETHER THE REFERRAL WAS ACCEPTED FOR ASSESSMENT; (III) WHETHER THE REFERRAL WAS CLOSED WITHOUT SERVICES; (IV) WHETHER THE ASSESSMENT RESULTED IN SERVICES RELATED TO THE SAFETY OF THE CHILD; AND (V) THE NAME AND CONTACT INFORMATION FOR THE COUNTY CASEWORKER RESPONSIBLE FOR INVESTIGATING THE REFERRAL. If the request for such information is made after the completion of an investigation of a report, the released information shall be limited to whether the report is "indicated" or "unfounded", whichever the case may be. A person given access to the names or other information identifying the subjects of the report, or other persons named in the report, except the subject of the report or other persons named in the report, shall not divulge or make public such identifying information unless he or she is a district attorney or other law enforcement official and the purpose is to initiate court action or the disclosure is necessary in connection with the investigation or prosecution of the subject of the report for a crime alleged to have been committed by the subject against another person named in the report. Nothing in this section shall be construed to permit any release, disclosure or identification of the names or identifying descriptions of persons who have reported suspected child abuse or maltreatment to the statewide central register or the agency, institution, organization, program or other entity where such persons are employed or the agency, institution, organization or program with which they are associated without such persons' written permission except to persons, officials, and agencies enumerated in subparagraphs (e), (f), (h), (j), (l), (m) and (v) of this paragraph.

S 2. This act shall take effect immediately.