

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:

1 Section 1. Subdivisions 2 and 3 of section 422 of the social services
2 law, subdivision 2 as amended by chapter 717 of the laws of 1986, para-
3 graph (a) of subdivision 2 as amended by chapter 357 of the laws of 2014
4 and subdivision 3 as added by chapter 1039 of the laws of 1973, are
5 amended to read as follows:
6 2. (a) The central register shall be capable of receiving telephone
7 calls AND ELECTRONIC REPORTS alleging child abuse or maltreatment and of
8 immediately identifying prior reports of child abuse or maltreatment and
9 capable of monitoring the provision of child protective service twenty-
10 four hours a day, seven days a week. To effectuate this purpose, but
11 subject to the provisions of the appropriate local plan for the
12 provision of child protective services, there shall be a single state-
13 wide telephone number AND INTERNET ADDRESS that all persons, whether
14 mandated by the law or not, may use to make telephone calls OR SEND
15 ELECTRONIC COMMUNICATIONS alleging child abuse or maltreatment and that
16 all persons so authorized by this title may use for determining the
17 existence of prior reports in order to evaluate the condition or circum-
18 stances of a child. In addition to the single statewide telephone
19 number AND INTERNET ADDRESS, there shall be a special unlisted express
20 telephone number and a telephone facsimile number AND INTERNET ADDRESS
21 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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1 transmit telephone facsimile OR ELECTRONIC information on a form
2 provided by the commissioner of children and family services, alleging
3 child abuse or maltreatment, and for use by all persons so authorized by
4 this title for determining the existence of prior reports in order to
5 evaluate the condition or circumstances of a child. THE WEBPAGE CREATED
6 TO ACCEPT ELECTRONIC REPORTS SHALL BE CAPABLE OF RECEIVING DIGITAL
7 IMAGES AND ELECTRONIC DOCUMENTS IN COMMON FILE FORMATS. When any allega-
8 tions contained in such telephone calls OR ELECTRONIC REPORT could
9 reasonably constitute a report of child abuse or maltreatment, such
10 allegations and any previous reports to the central registry involving
11 the subject of such report or children named in such report, including
12 any previous report containing allegations of child abuse and maltreat-
13 ment alleged to have occurred in other counties and districts in New
14 York state shall be immediately transmitted orally or electronically by
15 the office of children and family services to the appropriate local
16 child protective service for investigation. The inability of the person
17 calling the register OR MAKING THE ALLEGATION ONLINE to identify the
18 alleged perpetrator shall, in no circumstance, constitute the sole cause
19 for the register to reject such allegation or fail to transmit such
20 allegation for investigation. If the records indicate a previous report
21 concerning a subject of the report, the child alleged to be abused or
22 maltreated, a sibling, other children in the household, other persons
23 named in the report or other pertinent information, the appropriate
24 local child protective service shall be immediately notified of the
25 fact. If the report involves either (i) an allegation of an abused child
26 described in paragraph (i), (ii) or (iii) of subdivision (e) of section
27 one thousand twelve of the family court act or sexual abuse of a child
28 or the death of a child or (ii) suspected maltreatment which alleges any
29 physical harm when the report is made by a person required to report
30 pursuant to section four hundred thirteen of this title within six
31 months of any other two reports that were indicated, or may still be
32 pending, involving the same child, sibling, or other children in the
33 household or the subject of the report, the office of children and fami-
34 ly services shall identify the report as such and note any prior reports
35 when transmitting the report to the local child protective services for
36 investigation.

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

44 (c) Whenever a telephone call OR ELECTRONIC REPORT to the statewide
45 central register described in this section is received by the [depart-
46 ment] OFFICE OF CHILDREN AND FAMILY SERVICES, and the [department]
47 OFFICE OF CHILDREN AND FAMILY SERVICES finds that the person allegedly
48 responsible for abuse or maltreatment of a child cannot be a subject of
49 a report as defined in subdivision four of section four hundred twelve
50 of this [chapter] TITLE, but believes that the alleged acts or circum-
51 stances against a child described in the telephone call OR ELECTRONIC
52 REPORT may constitute a crime or an immediate threat to the child's
53 health or safety, the [department] OFFICE OF CHILDREN AND FAMILY
54 SERVICES, shall convey by the most expedient means available the infor-
55 mation contained in such telephone call OR ELECTRONIC REPORT to the

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

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

11 S 2. 1. The office of children and family services shall develop and
12 implement a web intake incident form on the office of children and fami-
13 ly services website for the receipt of electronic communications alleg-
14 ing child abuse or maltreatment as authorized pursuant to section 422 of
15 the social services law.

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

17 (a) Information for mandated reporters;

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

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

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

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

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

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