

3937

2015-2016 Regular Sessions

I N S E N A T E

February 23, 2015

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.