STATE OF NEW YORK

4172

2017-2018 Regular Sessions

IN SENATE

February 6, 2017

Introduced by Sen. GALLIVAN -- 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 forwarding reports of abuse to the social services district charged with the care, custody, or guardianship of the child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 6 of section 424 of the social services law, as amended by chapter 602 of the laws of 2008, is amended to read as follows:

6. (a) upon receipt of such report, commence or cause the appropriate society for the prevention of cruelty to children to commence, within twenty-four hours, an appropriate investigation which shall include an evaluation of the environment of the child named in the report and any other children in the same home and a determination of the risk to such children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in such report and the name, age and condition of other children in the home, and, after seeing to the safety of the child or children, forthwith notify the subjects of the report and other persons named in the report in writing of the existence of the report and their respective rights pursuant to this title in regard to amendment[~~.~~]**;**

(b) **ascertain whether the child named in the report or any other child in the same home is in the care, custody or guardianship of an authorized agency. Where such authorized agency is not the social services district in which the home is located, the report shall be forwarded as soon as possible to such authorized agency and any other social services district charged with the care, custody or guardianship of the child or other children in the home. Such authorized agency and local social services district shall also be notified as to whether such report is indicated or unfounded in accordance with subdivision seven of this**

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

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section. Nothing in this subdivision shall require such social services district to investigate or participate in the investigation of such report;

(c) subject to rules and regulations of the division of criminal justice services, a manager of the child protective services unit, or a person with law enforcement background who is specifically designated by the commissioner of the local social services district for this purpose, shall have access to conviction records maintained by state law enforcement agencies pertaining to persons of or over the age of eighteen years who (1) are currently residing in the residence of any child who is alleged to be or suspected of being abused, maltreated, or neglected or (2) are named in any report of suspected or alleged child abuse, maltreatment, or neglect; provided that nothing in this subdivision shall be construed to contradict or modify section one thousand forty-six of the family court act. Any criminal history record provided by the division of criminal justice services, and any summary of the criminal history record provided by the office of children and family services to the child protective services unit of a local social services district pursuant to this subdivision, shall be kept confidential and shall not be made available for public inspection. Child protective services units shall not indicate a report solely based upon the existence of a conviction record;

§ 2. This act shall take effect immediately.