STATE OF NEW YORK

162

2017-2018 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2017

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 enacting the "state central register technology upgrade act"

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

Section 1. This act shall be known and may be cited as the "state central register technology upgrade act".

§ 2. Section 415 of the social services law, as amended by section 3-a of part D of chapter 501 of the laws of 2012, is amended to read as follows:

§ 415. Reporting procedure. Reports of suspected child abuse or maltreatment made pursuant to this title shall be made immediately by **instant messaging,** telephone or by telephone facsimile machine on a form supplied by the commissioner of the office of children and family services. **Such reports conveyed through instant messaging may include pictures.** Oral reports **and reports made through instant messaging** shall be followed by a report in writing within forty-eight hours after such [~~oral~~] report. Oral reports shall be made to the statewide central register of child abuse and maltreatment unless the appropriate local plan for the provision of child protective services provides that oral reports should be made to the local child protective service. In those localities in which oral reports are made initially to the local child protective service, the child protective service shall immediately make an oral or electronic report to the statewide central register. Written reports shall be made to the appropriate local child protective service except that written reports involving children being cared for in a home operated or supervised by an authorized agency or the office of children and family services shall be made to the statewide central register of child abuse and maltreatment which shall transmit the reports to the

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

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agency responsible for investigating the report, in accordance with section four hundred twenty-four-b of this title. Written reports shall be made in a manner prescribed and on forms supplied by the commissioner of the office of children and family services and shall include the following information: the names and addresses of the child and his or her parents or other person responsible for his or her care, if known, and, as the case may be, the name and address of the program in which the child is receiving care; the child's age, sex and race; the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injuries, abuse or maltreatment to the child or, as the case may be, his or her siblings; the name of the person or persons alleged to be responsible for causing the injury, abuse or maltreatment, if known; family composition, where appropriate; the source of the report; the person making the report and where he or she can be reached; the actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child or notifying the medical examiner or coroner; and any other information which the commissioner of the office of children and family services may, by regulation, require, or the person making the report believes might be helpful, in the furtherance of the purposes of this title. Notwithstanding the privileges set forth in article forty-five of the civil practice law and rules, and any other provision of law to the contrary, mandated reporters who make a report which initiates an investigation of an allegation of child abuse or maltreatment are required to comply with all requests for records made by a child protective service relating to such report, including records relating to diagnosis, prognosis or treatment, and clinical records, of any patient or client that are essential for a full investigation of allegations of child abuse or maltreatment pursuant to this title; provided, however, that disclosure of substance abuse treatment records shall be made pursuant to the standards and procedures for disclosure of such records delineated in federal law. Written reports from persons or officials required by this title to report shall be admissible in evidence in any proceedings relating to child abuse or maltreatment.

§ 3. The commissioner of the office of children and family services shall promulgate any rules and regulations necessary to ensure that security measures are implemented to keep and store such information sent via instant messaging pursuant to section 415 of the social services law.

§ 4. This act shall take effect immediately.