

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:

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

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

6 § 415. Reporting procedure. Reports of suspected child abuse or
7 maltreatment made pursuant to this title shall be made immediately by
8 instant messaging, telephone or by telephone facsimile machine on a form
9 supplied by the commissioner of the office of children and family
10 services. Such reports conveyed through instant messaging may include
11 pictures. Oral reports and reports made through instant messaging shall
12 be followed by a report in writing within forty-eight hours after such
13 [~~oral~~] report. Oral reports shall be made to the statewide central
14 register of child abuse and maltreatment unless the appropriate local
15 plan for the provision of child protective services provides that oral
16 reports should be made to the local child protective service. In those
17 localities in which oral reports are made initially to the local child
18 protective service, the child protective service shall immediately make
19 an oral or electronic report to the statewide central register. Written
20 reports shall be made to the appropriate local child protective service
21 except that written reports involving children being cared for in a home
22 operated or supervised by an authorized agency or the office of children
23 and family services shall be made to the statewide central register of
24 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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1 agency responsible for investigating the report, in accordance with
2 section four hundred twenty-four-b of this title. Written reports shall
3 be made in a manner prescribed and on forms supplied by the commissioner
4 of the office of children and family services and shall include the
5 following information: the names and addresses of the child and his or
6 her parents or other person responsible for his or her care, if known,
7 and, as the case may be, the name and address of the program in which
8 the child is receiving care; the child's age, sex and race; the nature
9 and extent of the child's injuries, abuse or maltreatment, including any
10 evidence of prior injuries, abuse or maltreatment to the child or, as
11 the case may be, his or her siblings; the name of the person or persons
12 alleged to be responsible for causing the injury, abuse or maltreatment,
13 if known; family composition, where appropriate; the source of the
14 report; the person making the report and where he or she can be reached;
15 the actions taken by the reporting source, including the taking of
16 photographs and x-rays, removal or keeping of the child or notifying the
17 medical examiner or coroner; and any other information which the commis-
18 sioner of the office of children and family services may, by regulation,
19 require, or the person making the report believes might be helpful, in
20 the furtherance of the purposes of this title. Notwithstanding the
21 privileges set forth in article forty-five of the civil practice law and
22 rules, and any other provision of law to the contrary, mandated repor-
23 ters who make a report which initiates an investigation of an allegation
24 of child abuse or maltreatment are required to comply with all requests
25 for records made by a child protective service relating to such report,
26 including records relating to diagnosis, prognosis or treatment, and
27 clinical records, of any patient or client that are essential for a full
28 investigation of allegations of child abuse or maltreatment pursuant to
29 this title; provided, however, that disclosure of substance abuse treat-
30 ment records shall be made pursuant to the standards and procedures for
31 disclosure of such records delineated in federal law. Written reports
32 from persons or officials required by this title to report shall be
33 admissible in evidence in any proceedings relating to child abuse or
34 maltreatment.

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

40 § 4. This act shall take effect immediately.