

STATE OF NEW YORK

8060

2019-2020 Regular Sessions

IN ASSEMBLY

May 31, 2019

Introduced by M. of A. JAFFEE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to the standard of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment; and to amend the social services law and the family court act, in relation to the administration of the statewide central register of child abuse and maltreatment

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

Section 1. Subdivisions 6 and 7 of section 412 of the social services law, as added by chapter 1039 of the laws of 1973 and as renumbered by chapter 323 of the laws of 2008, are amended to read as follows:

6. An "unfounded report" means any report made pursuant to this title unless an investigation determines that [~~some-credible-evidence~~] a fair preponderance of evidence of the alleged abuse or maltreatment exists;

7. An "indicated report" means a report made pursuant to this title if an investigation determines that [~~some-credible-evidence~~] a fair preponderance of evidence of the alleged abuse or maltreatment exists.

§ 2. Section 651-a of the family court act, as amended by chapter 12 of the laws of 1996, is amended to read as follows:

§ 651-a. Reports of child abuse and maltreatment; admissibility. In any proceeding brought pursuant to this section to determine the custody or visitation of minors, a report made to the statewide central register of child abuse and maltreatment, pursuant to title six of article six of the social services law, or a portion thereof, which is otherwise admissible as a business record pursuant to rule forty-five hundred eighteen of the civil practice law and rules shall not be admissible in evidence, notwithstanding such rule, unless an investigation of such report conducted pursuant to title six of article six of the social services law has determined that there is [~~some-credible~~] a fair preponderance of

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

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1 evidence of the alleged abuse or maltreatment, that the subject of the
2 report has been notified that the report is indicated. In addition, if
3 such report has been reviewed by the state commissioner of social
4 services or his designee and has been determined to be unfounded, it
5 shall not be admissible in evidence. If such report has been so reviewed
6 and has been amended to delete any finding, each such deleted finding
7 shall not be admissible. If the state commissioner of social services or
8 his designee has amended the report to add any new finding, each such
9 new finding, together with any portion of the original report not
10 deleted by the commissioner or his designee, shall be admissible if it
11 meets the other requirements of this section and is otherwise admissible
12 as a business record. If such a report, or portion thereof, is admissi-
13 ble in evidence but is uncorroborated, it shall not be sufficient to
14 make a fact finding of abuse or maltreatment in such proceeding. Any
15 other evidence tending to support the reliability of such report shall
16 be sufficient corroboration.

17 § 3. Paragraph (c) of subdivision 2 of section 421 of the social
18 services law, as amended by chapter 718 of the laws of 1986, is amended
19 to read as follows:

20 (c) issue guidelines to assist local child protective services in the
21 interpretation and assessment of reports of abuse and maltreatment made
22 to the statewide central register described in section four hundred
23 twenty-two of this article. Such guidelines shall include information,
24 standards and criteria for the identification of ~~[credible]~~ fair prepon-
25 derance of evidence of alleged abuse and maltreatment required to deter-
26 mine whether a report may be indicated.

27 § 4. The opening paragraph of paragraph (a) of subdivision 5 of
28 section 422 of the social services law, as amended by section 7 of part
29 D of chapter 501 of the laws of 2012, is amended to read as follows:

30 Unless an investigation of a report conducted pursuant to this title
31 determines that there is ~~[some-credible]~~ a fair preponderance of
32 evidence of the alleged abuse or maltreatment, all information identify-
33 ing the subjects of the report and other persons named in the report
34 shall be legally sealed forthwith by the central register and any local
35 child protective services or the state agency which investigated the
36 report. Such unfounded reports may only be unsealed and made available:

37 § 5. Paragraph (c) of subdivision 5 of section 422 of the social
38 services law, as added by chapter 555 of the laws of 2000, is amended to
39 read as follows:

40 (c) Notwithstanding any other provision of law, the office of children
41 and family services may, in its discretion, grant a request to expunge
42 an unfounded report where: (i) the source of the report was convicted of
43 a violation of subdivision three of section 240.55 of the penal law in
44 regard to such report; or (ii) the subject of the report presents clear
45 and convincing evidence that affirmatively refutes the allegation of
46 abuse or maltreatment; provided however, that the absence of ~~[credible]~~
47 a fair preponderance of evidence supporting the allegation of abuse or
48 maltreatment shall not be the sole basis to expunge the report. Nothing
49 in this paragraph shall require the office of children and family
50 services to hold an administrative hearing in deciding whether to
51 expunge a report. Such office shall make its determination upon review-
52 ing the written evidence submitted by the subject of the report and any
53 records or information obtained from the state or local agency which
54 investigated the allegations of abuse or maltreatment.

§ 6. Subdivision 6 of section 422 of the social services law, as amended by section 7 of part D of chapter 501 of the laws of 2012, is amended to read as follows:

6. In all other cases, the record of the report to the statewide central register shall be expunged ten years after the eighteenth birthday of the youngest child named in the report. Provided however, in cases where the report was indicated for maltreatment, the record of the report to the statewide central register shall be conditionally sealed eight years after the report is received by the statewide central register, so long as there are no other indicated reports of abuse or maltreatment with such individual named as the subject of the report. Provided, further, that if such individual is named as the subject of a report in any subsequent indicated abuse or maltreatment reports, such record shall be immediately unsealed. Reports conditionally sealed pursuant to this subdivision shall be maintained in the statewide central register, however such reports shall not be made available except to: (a) entities included in subdivision five of this section; (b) head start programs which are funded pursuant to title V of the federal economic opportunity act of 1964, early intervention services established pursuant to section twenty-five hundred forty of the public health law, preschool services established pursuant to section forty-four hundred ten of the education law, child day care providers as defined in section three hundred ninety of this article for purposes of determining employment; (c) authorized agencies that are considering licensing the subject of the report to become a foster or adoptive parent; and (d) child protective services that are considering recommending the subject of the report as a custodial or visitation resource. In the case of a child in residential care the record of the report to the statewide central register shall be expunged ten years after the reported child's eighteenth birthday. In any case and at any time, the commissioner of the office of children and family services may amend any record upon good cause shown and notice to the subjects of the report and other persons named in the report.

§ 7. Paragraph (a) of subdivision 8 of section 422 of the social services law, as amended by chapter 12 of the laws of 1996, and subparagraph (ii) as amended by chapter 323 of the laws of 2008, is amended to read as follows:

(a) (i) At any time subsequent to the completion of the investigation ~~[but in no event later than ninety days after the subject of the report is notified that the report is indicated]~~ the subject may request the commissioner to amend the record of the report. ~~[If]~~ Where a proceeding pursuant to article ten of the family court act based on the same allegations that were indicated is pending, the request to amend shall be stayed until the disposition of such family court proceeding or, if the petition is dismissed at the conclusion of an adjournment in contemplation of dismissal or suspended judgment, at such time of the dismissal, whichever is later. Unless such request has been stayed, if the commissioner does not amend the report in accordance with such request within ninety days of receiving the request, the subject shall have the right to a fair hearing, held in accordance with paragraph (b) of this subdivision, to determine whether the record of the report in the central register should be amended on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this title.

(ii) Upon receipt of a request to amend the record of a child abuse and maltreatment report the office of children and family services shall immediately send a written request to the child protective service or

1 the state agency which was responsible for investigating the allegations
2 of abuse or maltreatment for all records, reports and other information
3 maintained by the service or state agency pertaining to such indicated
4 report. The service or state agency shall as expeditiously as possible
5 but within no more than twenty working days of receiving such request,
6 forward all records, reports and other information it maintains on such
7 indicated report to the office of children and family services, includ-
8 ing a copy of any petition or court order based on the allegations that
9 were indicated. [~~The~~] Unless such request to amend has been stayed, the
10 office of children and family services shall as expeditiously as possi-
11 ble but within no more than fifteen working days of receiving such mate-
12 rials from the child protective service or state agency, review all such
13 materials in its possession concerning the indicated report and deter-
14 mine, after affording such service or state agency a reasonable opportu-
15 nity to present its views, whether there is a fair preponderance of the
16 evidence to find that the subject committed the act or acts of child
17 abuse or maltreatment giving rise to the indicated report and whether,
18 based on guidelines developed by the office of children and family
19 services pursuant to subdivision five of section four hundred twenty-
20 four-a of this title, such act or acts could be relevant and reasonably
21 related to employment of the subject of the report by a provider agency,
22 as defined by subdivision three of section four hundred twenty-four-a of
23 this title, or relevant and reasonably related to the subject of the
24 report being allowed to have regular and substantial contact with chil-
25 dren who are cared for by a provider agency, or relevant and reasonably
26 related to the approval or disapproval of an application submitted by
27 the subject of the report to a licensing agency, as defined by subdivi-
28 sion four of section four hundred twenty-four-a of this title.

29 (iii) If it is determined at the review held pursuant to this para-
30 graph [~~(a)~~] that there is [~~no-credible~~] not a fair preponderance of
31 evidence in the record to find that the subject committed an act or acts
32 of child abuse or maltreatment, the [~~department~~] office of children and
33 family services shall amend the record to indicate that the report is
34 "unfounded" and notify the subject forthwith.

35 (iv) If it is determined at the review held pursuant to this paragraph
36 [~~(a)~~] that there is [~~some-credible~~] a fair preponderance of evidence in
37 the record to find that the subject committed such act or acts but that
38 such act or acts could not be relevant and reasonably related to the
39 employment of the subject by a provider agency or to the subject being
40 allowed to have regular and substantial contact with children who are
41 cared for by a provider agency or the approval or disapproval of an
42 application which could be submitted by the subject to a licensing agen-
43 cy, the [~~department~~] office of children and family services shall be
44 precluded from informing a provider or licensing agency which makes an
45 inquiry to [~~the department~~] such office pursuant to the provisions of
46 section four hundred twenty-four-a of this title concerning the subject
47 that the person about whom the inquiry is made is the subject of an
48 indicated report of child abuse or maltreatment. The [~~department~~] office
49 of children and family services shall notify forthwith the subject of
50 the report of such determinations and that a fair hearing has been sche-
51 duled pursuant to paragraph (b) of this subdivision. The sole issue at
52 such hearing shall be whether the subject has been shown by [~~some-credi-~~
53 ~~ble~~] a fair preponderance of evidence to have committed the act or acts
54 of child abuse or maltreatment giving rise to the indicated report.

55 (v) If it is determined at the review held pursuant to this paragraph
56 [~~(a)~~] that there is [~~some-credible~~] a fair preponderance of evidence in

1 the record to prove that the subject committed an act or acts of child
2 abuse or maltreatment and that such act or acts could be relevant and
3 reasonably related to the employment of the subject by a provider agency
4 or to the subject being allowed to have regular and substantial contact
5 with children cared for by a provider agency or the approval or disap-
6 proval of an application which could be submitted by the subject to a
7 licensing agency, the ~~[department]~~ office of children and family
8 services shall notify forthwith the subject of the report of such deter-
9 minations and that a fair hearing has been scheduled pursuant to para-
10 graph (b) of this subdivision.

11 § 8. Subparagraphs (i) and (ii) of paragraph (b) of subdivision 8 of
12 section 422 of the social services law, as amended by chapter 12 of the
13 laws of 1996, are amended to read as follows:

14 (i) If the ~~[department]~~ office of children and family services, ~~[with-~~
15 ~~in ninety days of]~~ upon receiving a request from the subject that the
16 record of a report be amended, does not amend the record in accordance
17 with such request, ~~[the department]~~ such office shall schedule a fair
18 hearing and shall provide notice of the scheduled hearing date to the
19 subject, the statewide central register and, as appropriate, to the
20 child protective service or the state agency which investigated the
21 report.

22 (ii) The burden of proof in such a hearing shall be on the child
23 protective service or the state agency which investigated the report, as
24 the case may be. In such a hearing, the fact that there is a family
25 court finding of abuse or neglect against the subject in regard to an
26 allegation contained in the report shall create an irrebuttable presump-
27 tion that said allegation is substantiated by ~~[some-credible]~~ a fair
28 preponderance of evidence. Where the petitioning child protective agen-
29 cy withdraws with prejudice an allegation in a petition, or a family
30 court finds on the merits that an allegation does not constitute abuse
31 or neglect or a petition has been dismissed at the conclusion of either
32 an adjournment in contemplation of dismissal or suspended judgment, or
33 was not supported by a fair preponderance of the evidence, the office of
34 children and family services shall amend such allegation to be
35 unfounded.

36 § 9. Subparagraphs (i) and (ii) of paragraph (c) of subdivision 8 of
37 section 422 of the social services law, as amended by chapter 12 of the
38 laws of 1996, and the opening paragraph of subparagraph (ii) as amended
39 by chapter 323 of the laws of 2008, are amended to read as follows:

40 (i) If it is determined at the fair hearing that there is ~~[no-credi-~~
41 ~~ble]~~ not a fair preponderance of evidence in the record to find that the
42 subject committed an act or acts of child abuse or maltreatment, the
43 ~~[department]~~ office of children and family services shall amend the
44 record to reflect that such a finding was made at the administrative
45 hearing, order any child protective service or state agency which inves-
46 tigated the report to similarly amend its records of the report, and
47 shall notify the subject forthwith of the determination.

48 (ii) Upon a determination made at a fair hearing ~~[held on or after~~
49 ~~January first, nineteen hundred eighty-six]~~ scheduled pursuant to the
50 provisions of subparagraph (v) of paragraph (a) of this subdivision that
51 the subject has been shown by a fair preponderance of the evidence to
52 have committed the act or acts of child abuse or maltreatment giving
53 rise to the indicated report, the hearing officer shall determine, based
54 on guidelines developed by the office of children and family services
55 pursuant to subdivision five of section four hundred twenty-four-a of
56 this title, whether such act or acts are relevant and reasonably related

1 to employment of the subject by a provider agency, as defined by subdivi-
2 vision three of section four hundred twenty-four-a of this title, or
3 relevant and reasonably related to the subject being allowed to have
4 regular and substantial contact with children who are cared for by a
5 provider agency or relevant and reasonably related to the approval or
6 disapproval of an application submitted by the subject to a licensing
7 agency, as defined by subdivision four of section four hundred twenty-
8 four-a of this title.

9 Upon a determination made at a fair hearing that the act or acts of
10 abuse or maltreatment are relevant and reasonably related to employment
11 of the subject by a provider agency or the subject being allowed to have
12 regular and substantial contact with children who are cared for by a
13 provider agency or the approval or denial of an application submitted by
14 the subject to a licensing agency, the ~~[department]~~ office of children
15 and family services shall notify the subject forthwith. The ~~[department]~~
16 office of children and family services shall inform a provider or
17 licensing agency which makes an inquiry to ~~[the department]~~ such office
18 pursuant to the provisions of section four hundred twenty-four-a of this
19 title concerning the subject that the person about whom the inquiry is
20 made is the subject of an indicated child abuse or maltreatment report.

21 The failure to determine at the fair hearing that the act or acts of
22 abuse and maltreatment are relevant and reasonably related to the
23 employment of the subject by a provider agency or to the subject being
24 allowed to have regular and substantial contact with children who are
25 cared for by a provider agency or the approval or denial of an applica-
26 tion submitted by the subject to a licensing agency shall preclude the
27 ~~[department]~~ office of children and family services from informing a
28 provider or licensing agency which makes an inquiry to ~~[the department]~~
29 such office pursuant to the provisions of section four hundred twenty-
30 four-a of this title concerning the subject that the person about whom
31 the inquiry is made is the subject of an indicated child abuse or
32 maltreatment report.

33 § 10. Paragraph (e) of subdivision 8 of section 422 of the social
34 services law, as added by chapter 12 of the laws of 1996, is amended to
35 read as follows:

36 (e) Should the ~~[department]~~ office of children and family services
37 grant the request of the subject of the report pursuant to this subdivi-
38 sion either through an administrative review or fair hearing to amend an
39 indicated report to an unfounded report~~[, ~~such~~]~~, such report shall be
40 legally sealed and shall be released and expunged in accordance with the
41 standards set forth in subdivision five of this section.

42 § 11. Subparagraphs (ii), (iii), and (v) of paragraph (e) of subdivi-
43 sion 1 of section 424-a of the social services law, subparagraphs (ii)
44 and (iii) as amended by chapter 12 of the laws of 1996, and subparagraph
45 (v) as amended by chapter 634 of the laws of 1988, are amended and six
46 new subparagraphs (vi), (vii), (viii), (ix), (x) and (xi) are added to
47 read as follows:

48 (ii) If the subject of an indicated report of child abuse or maltreat-
49 ment has not requested an amendment of the record of the report ~~[within~~
50 ~~the time specified in subdivision eight of section four hundred twenty-~~
51 ~~two of this title or if the subject had a fair hearing pursuant to such~~
52 ~~section prior to January first, nineteen hundred eighty-six]~~ and an
53 inquiry is made to the ~~[department]~~ office of children and family
54 services pursuant to this subdivision concerning the subject of the
55 report, ~~[the department]~~ such office shall, as expeditiously as possible
56 but within no more than ten working days of receipt of the inquiry,

1 determine whether, in fact, the person about whom an inquiry is made is
2 the subject of an indicated report. Upon making a determination that the
3 person about whom the inquiry is made is the subject of an indicated
4 report of child abuse and maltreatment, the ~~[department]~~ office of chil-
5 dren and family services shall immediately send a written request to the
6 child protective service or state agency which was responsible for
7 investigating the allegations of abuse or maltreatment for all records,
8 reports and other information maintained by the service or state agency
9 on the subject. The service or state agency shall, as expeditiously as
10 possible but within no more than twenty working days of receiving such
11 request, forward all records, reports and other information it maintains
12 on the indicated report to the ~~[department]~~ office of children and fami-
13 ly services, including a copy of any petition or court order based on
14 the allegations that were indicated. ~~[The department]~~ Where a proceed-
15 ing pursuant to article ten of the family court act is pending based on
16 the same allegations that were indicated, the office of children and
17 family services shall defer determination of whether there is a fair
18 preponderance of the evidence to support the indication until the dispo-
19 sition of such family court proceeding or if the petition is dismissed
20 at the conclusion of an adjournment in contemplation of dismissal or
21 suspended judgment, at such time of the dismissal, whichever is later.
22 Unless such determination has been deferred, the office of children and
23 family services shall, within fifteen working days of receiving such
24 records, reports and other information from the child protective service
25 or state agency, review all records, reports and other information in
26 its possession concerning the subject and determine whether there is
27 ~~[some credible]~~ a fair preponderance of evidence to find that the
28 subject had committed the act or acts of child abuse or maltreatment
29 giving rise to the indicated report.

30 (iii) If it is determined, after affording such service or state agen-
31 cy a reasonable opportunity to present its views, that there is ~~[no~~
32 ~~credible]~~ not a fair preponderance of evidence in the record to find
33 that the subject committed such act or acts, the ~~[department]~~ office of
34 children and family services shall amend the record to indicate that the
35 report was unfounded and notify the inquiring party that the person
36 about whom the inquiry is made is not the subject of an indicated
37 report. ~~[If the subject of the report had a fair hearing pursuant to~~
38 ~~subdivision eight of section four hundred twenty-two of this title prior~~
39 ~~to January first, nineteen hundred eighty-six and the fair hearing had~~
40 ~~been finally determined by the commissioner and the record of the report~~
41 ~~had not been amended to unfound the report or delete the person as a~~
42 ~~subject of the report, then the department shall determine that there is~~
43 ~~some credible evidence to find that the subject had committed the act or~~
44 ~~acts of child abuse or maltreatment giving rise to the indicated~~
45 ~~report.]~~

46 (v) If it is determined after a review by the ~~[department]~~ office of
47 children and family services of all records, reports and information in
48 its possession concerning the subject of the report that there is ~~[some~~
49 ~~credible]~~ a fair preponderance of evidence to prove that the subject
50 committed the act or acts of abuse or maltreatment giving rise to the
51 indicated report ~~[and that such act or acts are relevant and reasonably~~
52 ~~related to issues concerning the employment of the subject by a provider~~
53 ~~agency or to the subject being allowed to have regular and substantial~~
54 ~~contact with children cared for by a provider agency or the approval or~~
55 ~~disapproval of an application which has been submitted by the subject to~~
56 ~~a licensing agency, the department shall inform the inquiring party that~~

~~the person about whom the inquiry is made is the subject of an indicated report of child abuse and maltreatment; the department shall also notify the subject of the inquiry of his or her fair hearing rights granted pursuant to paragraph (c) of subdivision two of this section]~~, the office of children and family services shall notify the subject of the determination of such report and of the subject's right to request a fair hearing within ninety days. If the subject shall request a hearing within ninety days, the office of children and family services shall schedule a fair hearing and shall provide notice of the scheduled hearing date to the subject, the statewide central register and, as appropriate, to the child protective service or state agency which investigated such report.

(vi) The burden of proof in such a hearing shall be on the child protective service or state agency which investigated the report. In such a hearing, the fact that there is a family court finding of abuse or neglect against the subject in regard to an allegation contained in such report shall create an irrebuttable presumption that said allegation is substantiated by a fair preponderance of evidence. Where the petitioning child protective agency withdraws with prejudice an allegation in a petition, or a family court finds on the merits that an allegation does not constitute abuse or neglect or a petition has been dismissed at the conclusion of either an adjournment in contemplation of a dismissal or suspended judgment, or was not supported by a fair preponderance of the evidence, the office of children and family services shall amend that allegation to be unfounded.

(vii) If it shall be determined at the fair hearing that there is no fair preponderance of evidence in the record to find that the subject committed an act or acts of child abuse or maltreatment, the office of children and family services shall amend the record to reflect that such a finding was made at the administrative hearing, order any child protective service or state agency which investigated the report to similarly amend its records of such report, notify the subject of the determination, and notify the inquiring party that the person about whom such inquiry was made is not the subject of an indicated report.

(viii) Upon a determination at the fair hearing that the subject has been shown, by a fair preponderance of the evidence, to have committed the act or acts of child abuse or maltreatment giving rise to the indicated report, the hearing officer shall determine, based on guidelines developed by the office of children and family services pursuant to subdivision five of this section, whether such act or acts are relevant and reasonably related to the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency, or relevant and reasonably related to the approval or disapproval of an application submitted by the subject to a licensing agency.

(ix) Upon a determination made at a fair hearing that the act or acts of abuse or maltreatment are relevant and reasonably related to the employment of the subject by a provider agency, the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency or the approval or denial of an application submitted by the subject to a licensing agency, the office of children and family services shall notify the subject and shall inform the inquiring party that the person about whom such inquiry was made is the subject of an indicated report of child abuse or maltreatment.

(x) The failure to determine at the fair hearing that the act or acts of abuse and maltreatment are relevant and reasonably related to the employment of the subject by a provider agency, the subject being

1 allowed to have regular and substantial contact with children who are
2 cared for by a provider agency or the approval or denial of an applica-
3 tion submitted by the subject to a licensing agency shall preclude the
4 office of children and family services from informing a provider or
5 licensing agency that such person is the subject of an indicated report
6 of child abuse or maltreatment.

7 (xi) Should the office of children and family services grant the
8 request of the subject of the report pursuant to this subdivision,
9 either through an administrative review or fair hearing, to amend an
10 indicated report to an unfounded report, such report shall be legally
11 sealed and shall be released and expunged in accordance with the stand-
12 ards set forth in subdivision five of section four hundred twenty-two of
13 this title.

14 § 12. Section 1039 of the family court act is amended by adding a new
15 subdivision (h) to read as follows:

16 (h) The petitioner shall notify the office of children and family
17 services, in accordance with sections four hundred twenty-two and four
18 hundred twenty-four-a of the social services law, of the outcome of an
19 adjournment in contemplation of dismissal pursuant to this section,
20 including dismissal of the petition upon expiration of such adjournment
21 or, where the proceeding has been restored to the calendar, of the
22 status and disposition of any proceedings under this article following
23 such restoration.

24 § 13. Section 1051 of the family court act is amended by adding a new
25 subdivision (g) to read as follows:

26 (g) The petitioner shall notify the office of children and family
27 services, in accordance with sections four hundred twenty-two and four
28 hundred twenty-four-a of the social services law, of any findings of
29 abuse or neglect and of any orders of dismissal entered pursuant to this
30 section.

31 § 14. Paragraph (iii) of subdivision (f) of section 1051 of the family
32 court act, as added by chapter 430 of the laws of 1994, is amended to
33 read as follows:

34 (iii) that the report made to the state central register of child
35 abuse and maltreatment upon which the petition is based will remain on
36 file until ten years after the eighteenth birthday of the youngest child
37 named in such report, that the respondent will be unable to obtain
38 expungement of such report, that if such report is for maltreatment, it
39 shall be legally conditionally sealed after eight years unless a deter-
40 mination is made to seal it earlier so long as such individual is not
41 named as the subject of the report in any subsequent indicated reports
42 of abuse or maltreatment, and that the existence of such [report]
43 reports which are not sealed may be made known to employers seeking to
44 screen employee applicants [in the field of child care,] for positions
45 involving potential contact with children, and that sealed reports may
46 be available to child protective services and law enforcement conducting
47 subsequent investigations and to [child-care] authorized agencies if the
48 respondent applies to become a foster parent [or], adoptive parent or
49 seeks custody of or visitation with a child.

50 Any finding upon such an admission or consent made without such notice
51 being given by the court shall be vacated upon motion of any party. In
52 no event shall a person other than the respondent, either in person or
53 in writing, make an admission or consent to a finding of neglect or
54 abuse.

55 § 15. Section 1053 of the family court act is amended by adding a new
56 subdivision (d) to read as follows:

1 (d) The petitioner shall notify the office of children and family
2 services, in accordance with sections four hundred twenty-two and four
3 hundred twenty-four-a of the social services law, of the outcome of a
4 suspended judgement pursuant to this section, including a dismissal of
5 the petition upon expiration of such suspended judgement, or where the
6 proceeding has been restored to the calendar, of the status and disposi-
7 tion of any proceedings under this article following such restoration.

8 § 16. This act shall take effect immediately; provided, however, that
9 sections six, eight and twelve of this act shall take effect on the one
10 hundred eightieth day after it shall have become a law; and section
11 seven of this act shall take effect on the thirtieth day after it shall
12 have become a law.