

# STATE OF NEW YORK

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1541

2019-2020 Regular Sessions

## IN SENATE

January 15, 2019

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Introduced by Sen. KENNEDY -- 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 improvements in the state central register of child abuse and maltreatment

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

1 Section 1. Subdivisions 2 and 3 of section 422 of the social services  
2 law, subdivision 2 as amended by chapter 717 of the laws of 1986, para-  
3 graph (a) of subdivision 2 as amended by chapter 357 of the laws of 2014  
4 and subdivision 3 as added by chapter 1039 of the laws of 1973, are  
5 amended to read as follows:

6 2. (a) The central register shall be capable of receiving telephone  
7 calls and electronic reports alleging child abuse or maltreatment and of  
8 immediately identifying prior reports of child abuse or maltreatment and  
9 capable of monitoring the provision of child protective service twenty-  
10 four hours a day, seven days a week. To effectuate this purpose, but  
11 subject to the provisions of the appropriate local plan for the  
12 provision of child protective services, there shall be a single state-  
13 wide telephone number and internet address that all persons, whether  
14 mandated by the law or not, may use to make telephone calls or send  
15 electronic communications alleging child abuse or maltreatment and that  
16 all persons so authorized by this title may use for determining the  
17 existence of prior reports in order to evaluate the condition or circum-  
18 stances of a child. In addition to the single statewide telephone  
19 number and internet address, there shall be a special unlisted express  
20 telephone number and a telephone facsimile number and internet address  
21 for use only by persons mandated by law to make telephone calls, or to  
22 transmit telephone facsimile or electronic information on a form  
23 provided by the commissioner of children and family services, alleging  
24 child abuse or maltreatment, and for use by all persons so authorized by  
25 this title for determining the existence of prior reports in order to

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

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1 evaluate the condition or circumstances of a child. The webpage created  
2 to accept electronic reports shall be capable of receiving digital  
3 images and electronic documents in common file formats. When any allega-  
4 tions contained in such telephone calls or electronic report could  
5 reasonably constitute a report of child abuse or maltreatment, such  
6 allegations and any previous reports to the central registry involving  
7 the subject of such report or children named in such report, including  
8 any previous report containing allegations of child abuse and maltreat-  
9 ment alleged to have occurred in other counties and districts in New  
10 York state shall be immediately transmitted orally or electronically by  
11 the office of children and family services to the appropriate local  
12 child protective service for investigation. The inability of the person  
13 calling the register or making the allegation online to identify the  
14 alleged perpetrator shall, in no circumstance, constitute the sole cause  
15 for the register to reject such allegation or fail to transmit such  
16 allegation for investigation. If the records indicate a previous report  
17 concerning a subject of the report, the child alleged to be abused or  
18 maltreated, a sibling, other children in the household, other persons  
19 named in the report or other pertinent information, the appropriate  
20 local child protective service shall be immediately notified of the  
21 fact. If the report involves either (i) an allegation of an abused child  
22 described in paragraph (i), (ii) or (iii) of subdivision (e) of section  
23 one thousand twelve of the family court act or sexual abuse of a child  
24 or the death of a child or (ii) suspected maltreatment which alleges any  
25 physical harm when the report is made by a person required to report  
26 pursuant to section four hundred thirteen of this title within six  
27 months of any other two reports that were indicated, or may still be  
28 pending, involving the same child, sibling, or other children in the  
29 household or the subject of the report, the office of children and fami-  
30 ly services shall identify the report as such and note any prior reports  
31 when transmitting the report to the local child protective services for  
32 investigation.

33 (b) Any telephone call or electronic report made by a person required  
34 to report cases of suspected child abuse or maltreatment pursuant to  
35 section four hundred thirteen of this [~~chapter~~] title containing allega-  
36 tions, which if true would constitute child abuse or maltreatment shall  
37 constitute a report and shall be immediately transmitted orally or elec-  
38 tronically by the [~~department~~] office of children and family services to  
39 the appropriate local child protective service for investigation.

40 (c) Whenever a telephone call or electronic report to the statewide  
41 central register described in this section is received by the [~~depart-~~  
42 ~~ment~~] office of children and family services, and the [~~department~~]  
43 office of children and family services finds that the person allegedly  
44 responsible for abuse or maltreatment of a child cannot be a subject of  
45 a report as defined in subdivision four of section four hundred twelve  
46 of this [~~chapter~~] title, but believes that the alleged acts or circum-  
47 stances against a child described in the telephone call or electronic  
48 report may constitute a crime or an immediate threat to the child's  
49 health or safety, the [~~department~~] office of children and family  
50 services, shall convey by the most expedient means available the infor-  
51 mation contained in such telephone call or electronic report to the  
52 appropriate law enforcement agency, district attorney or other public  
53 official empowered to provide necessary aid or assistance.

54 3. The central register shall include but not be limited to the  
55 following information: all the information in the written and electronic  
56 report; a record of the final disposition of the report, including

1 services offered and services accepted; the plan for rehabilitative  
2 treatment; the names and identifying data, dates and circumstances of  
3 any person requesting or receiving information from the register; and  
4 any other information which the commissioner believes might be helpful  
5 in the furtherance of the purposes of this chapter.  
6 § 2. This act shall take effect January 1, 2021.