STATE OF NEW YORK

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2706

2019-2020 Regular Sessions

IN SENATE

January 29, 2019
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Introduced by Sens. KENNEDY, BRESLIN -- 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 assisting
  mandated reporters of child abuse or maltreatment to maintain the
  child's safety

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

 1   Section 1. The second undesignated paragraph of paragraph (A) of
 2 subdivision 4 of section 422 of the social services law, as amended by
 3 section 6 of part D of chapter 501 of the laws of 2012, is amended to
 4 read as follows:
 5   After a child, other than a child in residential care, who is reported
 6 to the central register of abuse or maltreatment reaches the age of
 7 eighteen years, access to a child's record under subparagraphs (a) and
 8 (b) of this paragraph shall be permitted only if a sibling or off-spring
 9 of such child is before such person and is a suspected victim of child
10 abuse or maltreatment. In addition, a person or official required to
11 make a report of suspected child abuse or maltreatment pursuant to
12 section four hundred thirteen of this chapter shall receive, upon
13 request, the findings of an investigation made pursuant to this title.
14 However, no information may be released unless the person or official's
15 identity is confirmed by the office. [If the request for such informa-
16 tion is made prior to the completion of an investigation of a report,
17 the released information shall be limited to whether the report is
18 "indicated", "unfounded" or "under investigation", whichever the case
19 may be.] Notwithstanding any other provision of law, within thirty
20 calendar days after receipt of a report of suspected child abuse or
21 maltreatment from a person or official required to make such a report
22 pursuant to section four hundred thirteen of this title, a county
23 department shall provide the following information to the mandated

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

                                                       LBD03683-01-9

1 **reporter for the purpose of assisting the mandated reporter in his or**
2 **her professional and official role in maintaining the child's safety:**
3 **(i) the name of the child and the date in which the report was made;**
4 **(ii) whether the referral was accepted for assessment; (iii) whether the**
5 **referral was closed without services; (iv) whether the assessment**
6 **resulted in services related to the safety of the child; and (v) the**
7 **name and contact information for the county caseworker responsible for**
8 **investigating the referral.** If the request for such information is made
9 after the completion of an investigation of a report, the released
10 information shall be limited to whether the report is "indicated" or
11 "unfounded", whichever the case may be. A person given access to the
12 names or other information identifying the subjects of the report, or
13 other persons named in the report, except the subject of the report or
14 other persons named in the report, shall not divulge or make public such
15 identifying information unless he or she is a district attorney or other
16 law enforcement official and the purpose is to initiate court action or
17 the disclosure is necessary in connection with the investigation or
18 prosecution of the subject of the report for a crime alleged to have
19 been committed by the subject against another person named in the
20 report. Nothing in this section shall be construed to permit any
21 release, disclosure or identification of the names or identifying
22 descriptions of persons who have reported suspected child abuse or
23 maltreatment to the statewide central register or the agency, institu-
24 tion, organization, program or other entity where such persons are
25 employed or the agency, institution, organization or program with which
26 they are associated without such persons' written permission except to
27 persons, officials, and agencies enumerated in subparagraphs (e), (f),
28 (h), (j), (l), (m) and (v) of this paragraph.
29   § 2. This act shall take effect immediately.