STATE OF NEW YORK

6427

2021-2022 Regular Sessions

IN ASSEMBLY

March 17, 2021

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

AN ACT to amend the social services law, in relation to requiring local child protective services to notify appropriate military personnel when a member of the armed forces is the subject of a report of child abuse or maltreatment

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

Section 1. Section 424 of the social services law is amended by adding a new subdivision 3-a to read as follows:

3-a. ascertain whether any subject of a report of suspected child abuse or maltreatment is a member of, or otherwise associated with, the armed forces of the United States. If child protective services determines that such subject is a member of, or otherwise associated with, the armed forces of the United States, such child protective services shall notify and send a copy of such report to the secretary of the United States department of defense that there is an allegation of abuse and neglect that relates to such member of the armed forces of the United States;

§ 2. Subdivision 5-a of section 424 of the social services law, as added by chapter 494 of the laws of 2006, is amended to read as follows:

5-a. give telephone notice and forward immediately a copy of reports made pursuant to this title which involve suspected physical injury as described in paragraph (i) of subdivision (e) of section ten hundred twelve of the family court act or sexual abuse of a child or the death of a child to the appropriate local law enforcement **or military law enforcement, when applicable**. Investigations shall be conducted by an approved multidisciplinary investigative team, established pursuant to subdivision six of section four hundred twenty-three of this title provided that in counties without a multidisciplinary investigative team investigations shall be conducted jointly by local child protective services and local law enforcement **or military law enforcement, when applicable**. Provided however, that co-reporting in these instances shall not be required when the local social services district has an

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

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approved protocol on joint investigations of child abuse and maltreatment between the local district and law enforcement. Such protocol shall be submitted to the office of children and family services for approval and the office shall approve or disapprove of such protocols within thirty days of submission. Nothing in this subdivision shall prohibit local child protective services from consulting with local law enforcement **or military law enforcement, when applicable,** on any child abuse or maltreatment report.

§ 3. Subdivision 5-b of section 424 of the social services law, as added by chapter 494 of the laws of 2006, is amended to read as follows:

5-b. shall make an assessment in a timely manner of each report made pursuant to this title which involves suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated or may still be pending involving the same child, sibling, or other children in the household or the subject of the report to determine whether it is necessary to give notice of the report to the appropriate local law enforcement entity. If the local child protective services determines that local law enforcement **or military law enforcement** shall be given notice, they shall give telephone notice and immediately forward a copy of the reports to local law enforcement **or military law enforcement**. If the report is shared with local law enforcement **or military law enforcement**, investigations shall be conducted by an approved multidisciplinary investigative team, established pursuant to subdivision six of section four hundred twenty-three of this title provided that in counties without a multidisciplinary investigative team investigations shall be conducted jointly by local child protective services and local law enforcement **or military law enforcement, when applicable**. Provided however, that co-reporting in these instances shall not be required when the local social services district has an approved protocol on joint investigations of child abuse and maltreatment between the local district and law enforcement. Such protocol shall be submitted to the office of children and family services for approval and the office shall approve or disapprove of such protocols within thirty days of submission. Nothing in this subdivision shall modify the requirements of this section. Nothing in this subdivision shall prohibit local child protective services from consulting with local law enforcement **or military law enforcement, when applicable** on any child abuse or maltreatment report and nothing in this subdivision shall prohibit local child protective services and local law enforcement **or military law enforcement,** or a multidisciplinary team from agreeing to co-investigate any child abuse or maltreatment report.

§ 4. Subdivision 1 of section 424-a of the social services law is amended by adding a new paragraph (d-2) to read as follows:

(d-2) The secretary of the department of defense of the United States or other authorized member of a military law enforcement agency may inquire of the department and the department may inform such secretary or agency and the subject of the inquiry, whether any member of, or person otherwise associated with, the armed forced of the United States is the subject of an indicated child abuse and maltreatment report on file with the statewide central register of child abuse and maltreatment.

§ 5. This act shall take effect immediately.