

STATE OF NEW YORK

7326--A

Cal. No. 1295

2021-2022 Regular Sessions

IN SENATE

August 13, 2021

Introduced by Sens. BRISPORT, JACKSON, MYRIE, SALAZAR, SEPULVEDA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the social services law, 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:

1 Section 1. Paragraph (a) of subdivision 2 of section 422 of the social
2 services law, as amended by section 6 of subpart A of part JJ of chapter
3 56 of the laws of 2021, is amended to read as follows:

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

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

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1 such telephone calls could reasonably constitute a report of child abuse
2 or maltreatment, after utilizing protocols that would reduce implicit
3 bias from the decision-making process, such allegations, the caller's
4 name, the caller's contact information and any previous reports to the
5 central registry involving the subject of such report or children named
6 in such report, including any previous report containing allegations of
7 child abuse and maltreatment alleged to have occurred in other counties
8 and districts in New York state shall be immediately transmitted orally
9 or electronically by the office of children and family services to the
10 appropriate local child protective service for investigation. The
11 inability of the person calling the register to identify the alleged
12 perpetrator shall, in no circumstance, constitute the sole cause for the
13 register to reject such allegation or fail to transmit such allegation
14 for investigation. If the records indicate a previous report concerning
15 a subject of the report, the child alleged to be abused or maltreated, a
16 sibling, other children in the household, other persons named in the
17 report or other pertinent information, the appropriate local child
18 protective service shall be immediately notified of the fact. If the
19 report involves either (i) an allegation of an abused child described in
20 paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand
21 twelve of the family court act or sexual abuse of a child or the death
22 of a child or (ii) suspected maltreatment which alleges any physical
23 harm when the report is made by a person required to report pursuant to
24 section four hundred thirteen of this title within six months of any
25 other two reports that were indicated, or may still be pending, involv-
26 ing the same child, sibling, or other children in the household or the
27 subject of the report, the office of children and family services shall
28 identify the report as such and note any prior reports when transmitting
29 the report to the local child protective services for investigation.

30 § 2. Subdivision 2 of section 422 of the social services law is
31 amended by adding a new paragraph (d) to read as follows:

32 (d) A caller making a report of suspected child abuse or maltreatment
33 to the central registry shall be asked for their name and contact infor-
34 mation. No report shall be transmitted to a local child protective
35 service for investigation unless the caller's name and contact informa-
36 tion is provided.

37 § 3. Subdivision 7 of section 422 of the social services law, as
38 amended by chapter 434 of the laws of 1989, is amended to read as
39 follows:

40 7. At any time, a subject of a report and other persons named in the
41 report may receive, upon request, a copy of all information contained in
42 the central register; provided, however, that the office of children and
43 family services shall not release information identifying a person who
44 made a report pursuant to section four hundred fourteen of this title
45 except with that person's permission or pursuant to subdivision (b) of
46 section one thousand thirty-eight of the family court act or pursuant to
47 section four hundred twenty-four-a of this title; and that the commis-
48 sioner is authorized to prohibit the release of data that would identify
49 ~~[the person who made the report]~~ persons or who cooperated in a subse-
50 quent investigation or the agency, institution, organization, program or
51 other entity where such person is employed or with which he or she is
52 associated, which he or she reasonably finds will be detrimental to the
53 safety or interests of such person.

54 § 4. This act shall take effect immediately; provided, however, that
55 section one of this act shall take effect on the one hundred eightieth
56 day after it shall have become a law.