

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:

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

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

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

14 5-a. give telephone notice and forward immediately a copy of reports
15 made pursuant to this title which involve suspected physical injury as
16 described in paragraph (i) of subdivision (e) of section ten hundred
17 twelve of the family court act or sexual abuse of a child or the death
18 of a child to the appropriate local law enforcement or military law
19 enforcement, when applicable. Investigations shall be conducted by an
20 approved multidisciplinary investigative team, established pursuant to
21 subdivision six of section four hundred twenty-three of this title
22 provided that in counties without a multidisciplinary investigative team
23 investigations shall be conducted jointly by local child protective
24 services and local law enforcement or military law enforcement, when
25 applicable. Provided however, that co-reporting in these instances
26 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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1 approved protocol on joint investigations of child abuse and maltreat-
2 ment between the local district and law enforcement. Such protocol shall
3 be submitted to the office of children and family services for approval
4 and the office shall approve or disapprove of such protocols within
5 thirty days of submission. Nothing in this subdivision shall prohibit
6 local child protective services from consulting with local law enforce-
7 ment or military law enforcement, when applicable, on any child abuse or
8 maltreatment report.

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

11 5-b. shall make an assessment in a timely manner of each report made
12 pursuant to this title which involves suspected maltreatment which
13 alleges any physical harm when the report is made by a person required
14 to report pursuant to section four hundred thirteen of this title within
15 six months of any other two reports that were indicated or may still be
16 pending involving the same child, sibling, or other children in the
17 household or the subject of the report to determine whether it is neces-
18 sary to give notice of the report to the appropriate local law enforce-
19 ment entity. If the local child protective services determines that
20 local law enforcement or military law enforcement shall be given notice,
21 they shall give telephone notice and immediately forward a copy of the
22 reports to local law enforcement or military law enforcement. If the
23 report is shared with local law enforcement or military law enforcement,
24 investigations shall be conducted by an approved multidisciplinary
25 investigative team, established pursuant to subdivision six of section
26 four hundred twenty-three of this title provided that in counties with-
27 out a multidisciplinary investigative team investigations shall be
28 conducted jointly by local child protective services and local law
29 enforcement or military law enforcement, when applicable. Provided
30 however, that co-reporting in these instances shall not be required when
31 the local social services district has an approved protocol on joint
32 investigations of child abuse and maltreatment between the local
33 district and law enforcement. Such protocol shall be submitted to the
34 office of children and family services for approval and the office shall
35 approve or disapprove of such protocols within thirty days of
36 submission. Nothing in this subdivision shall modify the requirements of
37 this section. Nothing in this subdivision shall prohibit local child
38 protective services from consulting with local law enforcement or mili-
39 tary law enforcement, when applicable on any child abuse or maltreatment
40 report and nothing in this subdivision shall prohibit local child
41 protective services and local law enforcement or military law enforce-
42 ment, or a multidisciplinary team from agreeing to co-investigate any
43 child abuse or maltreatment report.

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

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

54 § 5. This act shall take effect immediately.