

STATE OF NEW YORK

1713

2021-2022 Regular Sessions

IN SENATE

January 14, 2021

Introduced by Sen. GALLIVAN -- 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 transmitting certain information to the local child protective services

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 chapter 357 of the laws of 2014, is amended
3 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
23 such telephone calls could reasonably constitute a report of child abuse
24 or maltreatment, such allegations and any previous reports to the
25 central registry involving the subject of such report or children named

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

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1 in such report, including any previous report containing allegations of
2 child abuse and maltreatment alleged to have occurred in other counties
3 and districts in New York state shall be immediately transmitted orally
4 or electronically by the office of children and family services to the
5 appropriate local child protective service for investigation. The
6 inability of the person calling the register to identify the alleged
7 perpetrator shall, in no circumstance, constitute the sole cause for the
8 register to reject such allegation or fail to transmit such allegation
9 for investigation. If the records indicate a previous report concerning
10 a subject of the report, the child alleged to be abused or maltreated, a
11 sibling, other children in the household, other persons named in the
12 report or other pertinent information, the appropriate local child
13 protective service shall be immediately notified of the fact. If the
14 report involves either (i) an allegation of an abused child described in
15 paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand
16 twelve of the family court act or sexual abuse of a child or the death
17 of a child or (ii) suspected maltreatment which alleges any physical
18 harm when the report is made by a person required to report pursuant to
19 section four hundred thirteen of this title within six months of any
20 other two reports that were indicated, or may still be pending, involv-
21 ing the same child, sibling, or other children in the household or the
22 subject of the report, the office of children and family services shall
23 identify the report as such and note any prior reports when transmitting
24 the report to the local child protective services for investigation.
25 The office of children and family services shall immediately determine
26 and then notify the appropriate local child protective services if a
27 subject of an allegation of child abuse or maltreatment is the operator
28 of a licensed or registered child care facility, or any similar facility
29 that receives funding pursuant to title five-C of article six of this
30 chapter, or if any person named in a report is a known sex offender or
31 to have previously been the subject of an indicated report of abuse or
32 neglect. Such notice to the local child protective services shall take
33 place at the time that the office of children and family services trans-
34 mits the report of suspected child abuse or neglect required by this
35 subdivision.

36 § 2. This act shall take effect immediately.