

STATE OF NEW YORK

7326

2021-2022 Regular Sessions

IN SENATE

August 13, 2021

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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 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, the caller's name, the caller's

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

LBD11465-01-1

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

27 § 2. Paragraph (a) of subdivision 2 of section 422 of the social
28 services law, as amended by section 6 of subpart A of part JJ of chapter
29 56 of the laws of 2021, is amended to read as follows:

30 (a) The central register shall be capable of receiving telephone calls
31 alleging child abuse or maltreatment and of immediately identifying
32 prior reports of child abuse or maltreatment and capable of monitoring
33 the provision of child protective service twenty-four hours a day, seven
34 days a week. To effectuate this purpose, but subject to the provisions
35 of the appropriate local plan for the provision of child protective
36 services, there shall be a single statewide telephone number that all
37 persons, whether mandated by the law or not, may use to make telephone
38 calls alleging child abuse or maltreatment and that all persons so
39 authorized by this title may use for determining the existence of prior
40 reports in order to evaluate the condition or circumstances of a child.
41 In addition to the single statewide telephone number, there shall be a
42 special unlisted express telephone number and a telephone facsimile
43 number for use only by persons mandated by law to make telephone calls,
44 or to transmit telephone facsimile information on a form provided by the
45 commissioner of children and family services, alleging child abuse or
46 maltreatment, and for use by all persons so authorized by this title for
47 determining the existence of prior reports in order to evaluate the
48 condition or circumstances of a child. When any allegations contained in
49 such telephone calls could reasonably constitute a report of child abuse
50 or maltreatment, after utilizing protocols that would reduce implicit
51 bias from the decision-making process, such allegations, the caller's
52 name, the caller's contact information and any previous reports to the
53 central registry involving the subject of such report or children named
54 in such report, including any previous report containing allegations of
55 child abuse and maltreatment alleged to have occurred in other counties
56 and districts in New York state shall be immediately transmitted orally

1 or electronically by the office of children and family services to the
2 appropriate local child protective service for investigation. The
3 inability of the person calling the register to identify the alleged
4 perpetrator shall, in no circumstance, constitute the sole cause for the
5 register to reject such allegation or fail to transmit such allegation
6 for investigation. If the records indicate a previous report concerning
7 a subject of the report, the child alleged to be abused or maltreated, a
8 sibling, other children in the household, other persons named in the
9 report or other pertinent information, the appropriate local child
10 protective service shall be immediately notified of the fact. If the
11 report involves either (i) an allegation of an abused child described in
12 paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand
13 twelve of the family court act or sexual abuse of a child or the death
14 of a child or (ii) suspected maltreatment which alleges any physical
15 harm when the report is made by a person required to report pursuant to
16 section four hundred thirteen of this title within six months of any
17 other two reports that were indicated, or may still be pending, involv-
18 ing the same child, sibling, or other children in the household or the
19 subject of the report, the office of children and family services shall
20 identify the report as such and note any prior reports when transmitting
21 the report to the local child protective services for investigation.

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

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

29 § 4. This act shall take effect immediately; provided, however, that
30 section one of this act shall take effect on the one hundred eightieth
31 day after it shall have become a law; provided, however, that if part JJ
32 of chapter 56 of the laws of 2021 shall not have taken effect on or
33 before such date then section two of this act shall take effect on the
34 same date and in in the same manner as such part takes effect.