STATE OF NEW YORK

7348

2023-2024 Regular Sessions

IN ASSEMBLY

May 17, 2023

Introduced by M. of A. DICKENS -- (at request of the Office of Court Administration) -- read once and referred to the Committee on Children and Families

AN ACT to amend the family court act, in relation to notices given to respondents in child abuse and neglect proceedings in family court

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

Section 1. Paragraph (iii) of subdivision (f) of section 1051 of the family court act, as added by chapter 430 of the laws of 1994, is amended to read as follows:

(iii) that [~~the~~] any report made to the state central register of child abuse and maltreatment [~~upon which the petition is based~~] of allegations on which the court makes a finding of abuse or neglect will remain [~~on file~~] indicated in the register until ten years after the eighteenth birthday of the youngest child named in such report unless such finding is vacated or dismissed, and that:

(A) the respondent will be unable to [~~obtain expungement of~~] amend such report[~~,~~] in the state central register;

(B) if the court finding is for neglect, it shall be legally sealed eight years after the report was made unless it is sealed earlier in an administrative proceeding; and [~~that~~]

(C) the existence of such report, which is not legally sealed, may be made known to employers seeking to screen employee or volunteer applicants [~~in the field of child care~~] for positions where the individual has the potential for regular and substantial contact with children, and to child care agencies if the respondent applies to become a foster parent or adoptive parent.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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