STATE OF NEW YORK

902--B

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. BRISPORT, BROUK, CHU, CLEARE, COMRIE, FERNANDEZ, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, JACKSON, MURRAY, MYRIE, RAMOS, RIVERA, SALAZAR, SANDERS, SEPULVEDA, SERRANO, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- recommitted to the Committee on Children and Families in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a

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

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special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner of children and family services, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, after utilizing protocols that would reduce implicit bias from the decision-making process, such allegations**, the caller's name, the caller's contact information** and any previous reports to the central registry involving the subject of such report or children named in such report, including any previous report containing allegations of child abuse and maltreatment alleged to have occurred in other counties and districts in New York state shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

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

(d) A caller making a report of suspected child abuse or maltreatment to the central registry shall be asked for their name and contact information. No report shall be transmitted to a local child protective service for investigation unless the caller's name and contact information is provided. Except for disclosures authorized by subparagraphs (a) through (c) and (e) through (bb) of paragraph (A) of subdivision four of this section, and disclosure to the local child protective service as required pursuant to paragraph (a) of this subdivision, neither the commissioner nor the central register shall release the name and contact information of a caller who made a report of suspected child abuse or maltreatment unless ordered by an administrative law judge or a court of competent jurisdiction; provided, however, that this provision shall not apply to individuals who are mandated to report suspected child abuse or maltreatment pursuant to section four hundred thirteen of this title. Prior to the entry of any such order, the petitioner or social services official may move for a protective order to withhold the identity of such individual if such disclosure is likely to endanger the

life or health of the person reporting such suspected child abuse or maltreatment.

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

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

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