

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:

1 Section 1. Paragraph (a) of subdivision 2 of section 422 of the social
2 services law, as amended by section 6 of subpart A of part JJ of chapter
3 56 of the laws of 2021, is amended 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

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

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

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

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

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

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

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

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