

STATE OF NEW YORK

2479--A

Cal. No. 72

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. HEVESI, EPSTEIN, SIMON, McDONOUGH, CLARK, ALVAREZ, JACKSON, RAGA, SEAWRIGHT, GIBBS, DE LOS SANTOS, DAVILA, TAPIA, MAMDANI, STECK, GONZALEZ-ROJAS, MITAYNES, SHRESTHA, SILLITTI, REYES, BRABENEC, FORREST -- read once and referred to the Committee on Children and Families -- ordered to a third reading, amended and ordered reprinted, retaining its place on the order of third reading

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
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

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

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

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

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

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

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

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