

STATE OF NEW YORK

3070

2023-2024 Regular Sessions

IN ASSEMBLY

February 2, 2023

Introduced by M. of A. PEOPLES-STOKES -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to improvements in the state 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. Subdivisions 2 and 3 of section 422 of the social services
2 law, subdivision 2 as amended by chapter 717 of the laws of 1986, para-
3 graph (a) of subdivision 2 as amended by section 6 of subpart A of part
4 JJ of chapter 56 of the laws of 2021 and subdivision 3 as added by chap-
5 ter 1039 of the laws of 1973, are amended to read as follows:

6 2. (a) The central register shall be capable of receiving telephone
7 calls and electronic reports alleging child abuse or maltreatment and of
8 immediately identifying prior reports of child abuse or maltreatment and
9 capable of monitoring the provision of child protective service twenty-
10 four hours a day, seven days a week. To effectuate this purpose, but
11 subject to the provisions of the appropriate local plan for the
12 provision of child protective services, there shall be a single state-
13 wide telephone number and internet address that all persons, whether
14 mandated by the law or not, may use to make telephone calls or send
15 electronic communications alleging child abuse or maltreatment and that
16 all persons so authorized by this title may use for determining the
17 existence of prior reports in order to evaluate the condition or circum-
18 stances of a child. In addition to the single statewide telephone
19 number and internet address, there shall be a special unlisted express
20 telephone number and a telephone facsimile number and internet address
21 for use only by persons mandated by law to make telephone calls, or to
22 transmit telephone facsimile or electronic information on a form
23 provided by the commissioner of children and family services, alleging
24 child abuse or maltreatment, and for use by all persons so authorized by
25 this title for determining the existence of prior reports in order to

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

LBD01760-01-3

1 evaluate the condition or circumstances of a child. The webpage created
2 to accept electronic reports shall be capable of receiving digital
3 images and electronic documents in common file formats. When any allega-
4 tions contained in such telephone calls or electronic report could
5 reasonably constitute a report of child abuse or maltreatment, after
6 utilizing protocols that would reduce implicit bias from the decision-
7 making process, such allegations and any previous reports to the central
8 registry involving the subject of such report or children named in such
9 report, including any previous report containing allegations of child
10 abuse and maltreatment alleged to have occurred in other counties and
11 districts in New York state shall be immediately transmitted orally or
12 electronically by the office of children and family services to the
13 appropriate local child protective service for investigation. The
14 inability of the person calling the register or making the allegation
15 online to identify the alleged perpetrator shall, in no circumstance,
16 constitute the sole cause for the register to reject such allegation or
17 fail to transmit such allegation for investigation. If the records indi-
18 cate a previous report concerning a subject of the report, the child
19 alleged to be abused or maltreated, a sibling, other children in the
20 household, other persons named in the report or other pertinent informa-
21 tion, the appropriate local child protective service shall be immediate-
22 ly notified of the fact. If the report involves either (i) an allegation
23 of an abused child described in paragraph (i), (ii) or (iii) of subdivi-
24 sion (e) of section one thousand twelve of the family court act or sexu-
25 al abuse of a child or the death of a child or (ii) suspected maltreat-
26 ment which alleges any physical harm when the report is made by a person
27 required to report pursuant to section four hundred thirteen of this
28 title within six months of any other two reports that were indicated, or
29 may still be pending, involving the same child, sibling, or other chil-
30 dren in the household or the subject of the report, the office of chil-
31 dren and family services shall identify the report as such and note any
32 prior reports when transmitting the report to the local child protective
33 services for investigation.

34 (b) Any telephone call or electronic report made by a person required
35 to report cases of suspected child abuse or maltreatment pursuant to
36 section four hundred thirteen of this [~~chapter~~] title containing allega-
37 tions, which if true would constitute child abuse or maltreatment shall
38 constitute a report and shall be immediately transmitted orally or elec-
39 tronically by the [~~department~~] office of children and family services to
40 the appropriate local child protective service for investigation.

41 (c) Whenever a telephone call or electronic report to the statewide
42 central register described in this section is received by the [~~depart-~~
43 ~~ment~~] office of children and family services, and the [~~department~~]
44 office of children and family services finds that the person allegedly
45 responsible for abuse or maltreatment of a child cannot be a subject of
46 a report as defined in subdivision four of section four hundred twelve
47 of this [~~chapter~~] title, but believes that the alleged acts or circum-
48 stances against a child described in the telephone call or electronic
49 report may constitute a crime or an immediate threat to the child's
50 health or safety, the [~~department~~] office of children and family
51 services, shall convey by the most expedient means available the infor-
52 mation contained in such telephone call or electronic report to the
53 appropriate law enforcement agency, district attorney or other public
54 official empowered to provide necessary aid or assistance.

55 3. The central register shall include but not be limited to the
56 following information: all the information in the written and electronic

1 report; a record of the final disposition of the report, including
2 services offered and services accepted; the plan for rehabilitative
3 treatment; the names and identifying data, dates and circumstances of
4 any person requesting or receiving information from the register; and
5 any other information which the commissioner believes might be helpful
6 in the furtherance of the purposes of this chapter.
7 § 2. This act shall take effect January 1, 2025.