

STATE OF NEW YORK

902--A

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. BRISPORT, BROUK, CLEARE, COMRIE, FERNANDEZ, GOUNARDES, HARCKHAM, HOYLMAN-SIGAL, JACKSON, MYRIE, RAMOS, RIVERA, SALAZAR, 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

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

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

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

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

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

54 § 3. Subdivision 7 of section 422 of the social services law, as
55 amended by chapter 434 of the laws of 1989, is amended to read as
56 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~~] persons or who cooperated in a subse-
11 quent investigation or the agency, institution, organization, program or
12 other entity where such person is employed or with which [~~he~~] such
13 person is associated, which [~~he~~] such person reasonably finds will be
14 detrimental 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.