

STATE OF NEW YORK

8248--A

2025-2026 Regular Sessions

IN ASSEMBLY

May 5, 2025

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Children and Families -- 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 access of certain information by the New York city department of investigation

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 372 of the social services law is
2 amended by adding a new paragraph (c) to read as follows:

3 (c) All such records relating to such children shall be open to
4 inspection by the New York city department of investigation for purposes
5 of an investigation within the legal authority of the department of
6 investigation.

7 § 2. Subparagraph (m) of paragraph (A) of subdivision 4 of section 422
8 of the social services law, as amended by chapter 12 of the laws of
9 1996, is amended to read as follows:

10 (m) the New York city department of investigation provided however,
11 that no information identifying the subjects of the report or other
12 persons named in the report shall be made available to the department of
13 investigation unless such information is essential to an investigation
14 within the legal authority of the department of investigation [~~and the~~
15 ~~state department of social services gives prior approval~~];

16 § 3. Paragraph (a) of subdivision 5 of section 422 of the social
17 services law, as amended by chapter 555 of the laws of 2000, the opening
18 paragraph as amended by section 3 of part R of chapter 56 of the laws of
19 2020, subparagraph (iii) as amended by section 7 of part D of chapter
20 501 of the laws of 2012 and subparagraph (v) as amended by chapter 256
21 of the laws of 2014, is amended to read as follows:

22 (a) Unless an investigation of a report conducted pursuant to this
23 title that is commenced on or before December thirty-first, two thousand
24 twenty-one determines that there is some credible evidence of the

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

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1 alleged abuse or maltreatment or unless an investigation of a report
2 conducted pursuant to this title that is commenced on or after January
3 first, two thousand twenty-two determines that there is a fair prepon-
4 derance of the evidence that the alleged abuse or maltreatment occurred,
5 all information identifying the subjects of the report and other persons
6 named in the report shall be legally sealed forthwith by the central
7 register and any local child protective services which investigated the
8 report. Such unfounded reports may only be unsealed and made available:

9 (i) to the office of children and family services for the purpose of
10 supervising a social services district;

11 (ii) to the office of children and family services and local or
12 regional fatality review team members for the purpose of preparing a
13 fatality report pursuant to section twenty or four hundred twenty-two-b
14 of this chapter;

15 (iii) to a local child protective service, the office of children and
16 family services, or all members of a local or regional multidisciplinary
17 investigative team or the justice center for the protection of people
18 with special needs when investigating a subsequent report of suspected
19 abuse, neglect or maltreatment involving a subject of the unfounded
20 report, a child named in the unfounded report, or a child's sibling
21 named in the unfounded report pursuant to this article or article eleven
22 of this chapter;

23 (iv) to the subject of the report; ~~and~~

24 (v) to a district attorney, an assistant district attorney, an inves-
25 tigator employed in the office of a district attorney, or to a sworn
26 officer of the division of state police, of a city, county, town or
27 village police department or of a county sheriff's office when such
28 official verifies that the report is necessary to conduct an active
29 investigation or prosecution of a violation of subdivision four of
30 section 240.50 of the penal law~~[-]; and~~

31 (vi) to the New York city department of investigation for purposes of
32 an investigation within the legal authority of the department of inves-
33 tigation, including, but not limited to, when an inspector general of
34 the New York city department of investigation determines that the report
35 is necessary to conduct an active investigation of a violation of subdi-
36 vision four of section 240.50 of the penal law.

37 § 4. Paragraphs (d) and (e) of subdivision 5 of section 427-a of the
38 social services law, paragraph (d) as amended and paragraph (e) as added
39 by chapter 377 of the laws of 2011, are amended to read as follows:

40 (d) All reports assigned to, and records created under, the family
41 assessment and services track, including but not limited to reports made
42 or written as well as any other information obtained or photographs
43 taken concerning such reports or records shall be confidential and shall
44 be made available only to:

45 (i) staff of the office of children and family services and persons
46 designated by the office of children and family services;

47 (ii) the social services district responsible for the family assess-
48 ment and services track case;

49 (iii) community-based agencies that have contracts with the social
50 services district to carry out activities for the district under the
51 family assessment and services track;

52 (iv) providers of services under the family assessment and services
53 track;

54 (v) any social services district investigating a subsequent report of
55 abuse or maltreatment involving the same subject or the same child or
56 children named in the report;

1 (vi) a court, but only while the family is receiving services provided
2 under the family assessment and services track and only pursuant to a
3 court order or judicial subpoena, issued after notice and an opportunity
4 for the subject of the report and all parties to the present proceeding
5 to be heard, based on a judicial finding that such reports, records, and
6 any information concerning such reports and records, are necessary for
7 the determination of an issue before the court. Such reports, records
8 and information to be disclosed pursuant to a judicial subpoena shall be
9 submitted to the court for inspection and for such directions as may be
10 necessary to protect confidentiality, including but not limited to
11 redaction of portions of the reports, records, and information and to
12 determine any further limits on redisclosure in addition to the limita-
13 tions provided for in this title. A court shall not have access to the
14 sealed family assessment and services reports, records, and any informa-
15 tion concerning such reports and records, after the conclusion of
16 services provided under the family assessment and services track; ~~and~~

17 (vii) the subject of the report included in the records of the family
18 assessment and services track; and

19 (viii) the New York city department of investigation for purposes of
20 an investigation within the legal authority of the department of inves-
21 tigation.

22 (e) Persons given access to sealed reports, records, and any informa-
23 tion concerning such reports and records, pursuant to paragraph (d) of
24 this subdivision shall not redisclose such reports, records and informa-
25 tion except as follows:

26 (i) the office of children and family services and social services
27 districts may disclose aggregate, non-client identifiable information;

28 (ii) social services districts, community-based agencies that have
29 contracts with a social services district to carry out activities for
30 the district under the family assessment and services track, and provid-
31 ers of services under the family assessment and services track, may
32 exchange such reports, records and information concerning such reports
33 and records as necessary to carry out activities and services related to
34 the same person or persons addressed in the records of a family assess-
35 ment and services track case;

36 (iii) the child protective service of a social services district may
37 unseal a report, record and information concerning such report and
38 record of a case under the family assessment and services track in the
39 event such report, record or information is relevant to a subsequent
40 report of suspected child abuse or maltreatment. Information from such
41 an unsealed report or record that is relevant to the subsequent report
42 of suspected child abuse and maltreatment may be used by the child
43 protective service for purposes of investigation and family court action
44 concerning the subsequent report and may be included in the record of
45 the investigation of the subsequent report. If the social services
46 district initiates a proceeding under article ten of the family court
47 act in connection with such a subsequent report of suspected child abuse
48 and maltreatment and there is information in the report or record of a
49 previous case under the family assessment and services track that is
50 relevant to the proceeding, the social services district shall include
51 such information in the record of the investigation of the subsequent
52 report of suspected child abuse or maltreatment and shall make that
53 information available to the family court and the other parties for use
54 in such proceeding provided, however, that the information included from
55 the previous case under the family assessment and services track shall
56 then be subject to all laws and regulations regarding confidentiality

1 that apply to the record of the investigation of such subsequent report
2 of suspected child abuse or maltreatment. The family court may consider
3 the information from the previous case under the family assessment and
4 services track that is relevant to such proceeding in making any deter-
5 minations in the proceeding; ~~and~~

6 (iv) a subject of the report may, at ~~[his or her]~~ such subject's
7 discretion, present a report, records and information concerning such
8 report and records from the family assessment and services track case,
9 in whole or in part, in any proceeding under article ten of the family
10 court act in which the subject is a respondent. A subject of the report
11 also may, at ~~[his or her]~~ such subject's discretion, present a report,
12 records and information concerning such report and records from the
13 family assessment and services track, in whole or in part, in any
14 proceeding involving the custody of, or visitation with the subject's
15 children, or in any other relevant proceeding. In making any determi-
16 nation in such a proceeding, the court may consider any portion of the
17 family assessment and service track report, records and any information
18 concerning such report and records presented by the subject of the
19 report that is relevant to the proceeding. Nothing in this subparagraph,
20 however, shall be interpreted to authorize a court to order the subject
21 to produce such report, records or information concerning such report
22 and records, in whole or in part; ~~and~~

23 (v) the New York city department of investigation may provide such
24 reports, records and information to a district attorney, an assistant
25 district attorney, or an investigator employed in the office of a
26 district attorney, or to a United States attorney, assistant United
27 States attorney, or an investigator employed in the office of a United
28 States attorney for purposes of a criminal prosecution related to an
29 investigation within the legal authority of the department of investi-
30 gation.

31 § 5. Paragraph (m) of subdivision 2 of section 496 of the social
32 services law, as added by section 1 of part B of chapter 501 of the laws
33 of 2012, is amended to read as follows:

34 (m) the New York city department of investigation; provided, however,
35 that no information identifying the subjects of the report or other
36 persons named in the report shall be made available to the department of
37 investigation unless such information is essential to an investigation
38 within the legal authority of the department of investigation ~~[and the~~
39 ~~justice center or the applicable state oversight agency gives prior~~
40 ~~approval]~~;

41 § 6. This act shall take effect on the thirtieth day after it shall
42 have become a law.