STATE OF NEW YORK

8205--A

2025-2026 Regular Sessions

IN SENATE

May 21, 2025

Introduced by Sen. BRISPORT -- 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 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:

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

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

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

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

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

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

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(a) Unless an investigation of a report conducted pursuant to this title that is commenced on or before December thirty-first, two thousand twenty-one determines that there is some credible evidence of the alleged abuse or maltreatment or unless an investigation of a report conducted pursuant to this title that is commenced on or after January first, two thousand twenty-two determines that there is a fair preponderance of the evidence that the alleged abuse or maltreatment occurred, all information identifying the subjects of the report and other persons named in the report shall be legally sealed forthwith by the central register and any local child protective services which investigated the report. Such unfounded reports may only be unsealed and made available:

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

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

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

(iv) to the subject of the report; [~~and~~]

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

(vi) to the New York city department of investigation for purposes of an investigation within the legal authority of the department of investigation, including, but not limited to, when an inspector general of the New York city department of investigation determines that the report is necessary to conduct an active investigation of a violation of subdivision four of section 240.50 of the penal law.

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

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

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

(ii) the social services district responsible for the family assessment and services track case;

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

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

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

(vi) a court, but only while the family is receiving services provided under the family assessment and services track and only pursuant to a court order or judicial subpoena, issued after notice and an opportunity for the subject of the report and all parties to the present proceeding to be heard, based on a judicial finding that such reports, records, and any information concerning such reports and records, are necessary for the determination of an issue before the court. Such reports, records and information to be disclosed pursuant to a judicial subpoena shall be submitted to the court for inspection and for such directions as may be necessary to protect confidentiality, including but not limited to redaction of portions of the reports, records, and information and to determine any further limits on redisclosure in addition to the limitations provided for in this title. A court shall not have access to the sealed family assessment and services reports, records, and any information concerning such reports and records, after the conclusion of services provided under the family assessment and services track; [~~and~~]

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

(viii) the New York city department of investigation for purposes of an investigation within the legal authority of the department of investigation.

(e) Persons given access to sealed reports, records, and any information concerning such reports and records, pursuant to paragraph (d) of this subdivision shall not redisclose such reports, records and information except as follows:

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

(ii) social services districts, community-based agencies that have contracts with a social services district to carry out activities for the district under the family assessment and services track, and providers of services under the family assessment and services track, may exchange such reports, records and information concerning such reports and records as necessary to carry out activities and services related to the same person or persons addressed in the records of a family assessment and services track case;

(iii) the child protective service of a social services district may unseal a report, record and information concerning such report and record of a case under the family assessment and services track in the event such report, record or information is relevant to a subsequent report of suspected child abuse or maltreatment. Information from such an unsealed report or record that is relevant to the subsequent report of suspected child abuse and maltreatment may be used by the child protective service for purposes of investigation and family court action concerning the subsequent report and may be included in the record of the investigation of the subsequent report. If the social services district initiates a proceeding under article ten of the family court act in connection with such a subsequent report of suspected child abuse and maltreatment and there is information in the report or record of a previous case under the family assessment and services track that is relevant to the proceeding, the social services district shall include such information in the record of the investigation of the subsequent report of suspected child abuse or maltreatment and shall make that information available to the family court and the other parties for use

in such proceeding provided, however, that the information included from the previous case under the family assessment and services track shall then be subject to all laws and regulations regarding confidentiality that apply to the record of the investigation of such subsequent report of suspected child abuse or maltreatment. The family court may consider the information from the previous case under the family assessment and services track that is relevant to such proceeding in making any determinations in the proceeding; [~~and~~]

(iv) a subject of the report may, at [~~his or her~~] **such subject's** discretion, present a report, records and information concerning such report and records from the family assessment and services track case, in whole or in part, in any proceeding under article ten of the family court act in which the subject is a respondent. A subject of the report also may, at [~~his or her~~] **such subject's** discretion, present a report, records and information concerning such report and records from the family assessment and services track, in whole or in part, in any proceeding involving the custody of, or visitation with the subject's children, or in any other relevant proceeding. In making any determination in such a proceeding, the court may consider any portion of the family assessment and service track report, records and any information concerning such report and records presented by the subject of the report that is relevant to the proceeding. Nothing in this subparagraph, however, shall be interpreted to authorize a court to order the subject to produce such report, records or information concerning such report and records, in whole or in part**; and**

(v) the New York city department of investigation may provide such reports, records and information to a district attorney, an assistant district attorney, or an investigator employed in the office of a district attorney, or to a United States attorney, assistant United States attorney, or an investigator employed in the office of a United States attorney for purposes of a criminal prosecution related to an investigation within the legal authority of the department of investigation.

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

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

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