

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:

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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22 (viii) the New York city department of investigation for purposes of
23 an investigation within the legal authority of the department of inves-
24 tigation.

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

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

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

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

1 in such proceeding provided, however, that the information included from
2 the previous case under the family assessment and services track shall
3 then be subject to all laws and regulations regarding confidentiality
4 that apply to the record of the investigation of such subsequent report
5 of suspected child abuse or maltreatment. The family court may consider
6 the information from the previous case under the family assessment and
7 services track that is relevant to such proceeding in making any deter-
8 minations in the proceeding; ~~and~~

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

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

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

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

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