

STATE OF NEW YORK

8063

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. McMAHON, SIMON, STIRPE, BUTTENSCHON, WOERNER, GLICK, BORES, SHIMSKY, SEAWRIGHT, STECK, BURKE -- read once and referred to the Committee on Children and Families

AN ACT to amend the social services law, in relation to establishing the "child abuse reporting expansion act"

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

1 Section 1. This act shall be known and may be cited as the "child
2 abuse reporting expansion act".
3 § 2. Paragraph (a) of subdivision 1 of section 413 of the social
4 services law, as amended by section 7 of part C of chapter 57 of the
5 laws of 2018, is amended to read as follows:
6 (a) The following persons and officials are required to report or
7 cause a report to be made in accordance with this title when they have
8 reasonable cause to suspect that a child coming before them in their
9 professional or official capacity is an abused or maltreated child, or
10 when they have reasonable cause to suspect that a child is an abused or
11 maltreated child where the parent, guardian, custodian [~~or~~], other
12 person legally responsible for such child comes before them in their
13 professional or official capacity and states from personal knowledge
14 facts, conditions or circumstances which, if correct, would render the
15 child an abused or maltreated child: any physician; registered physician
16 assistant; surgeon; medical examiner; coroner; dentist; dental hygien-
17 ist; osteopath; optometrist; chiropractor; podiatrist; resident; intern;
18 psychologist; registered nurse; social worker; emergency medical techni-
19 cian; licensed creative arts therapist; licensed marriage and family
20 therapist; licensed mental health counselor; licensed psychoanalyst;
21 licensed behavior analyst; certified behavior analyst assistant; hospi-
22 tal personnel engaged in the admission, examination, care or treatment
23 of persons; a Christian Science practitioner; clergy member or other
24 minister of any religion; school official, which includes but is not
25 limited to school teacher, school guidance counselor, school psychol-
26 ogist, school social worker, school nurse, school administrator or other
27 school personnel required to hold a teaching or administrative license

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

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1 or certificate; full or part-time compensated school employee required
2 to hold a temporary coaching license or professional coaching certifi-
3 cate; social services worker; employee of a publicly-funded emergency
4 shelter for families with children; director of a children's overnight
5 camp, summer day camp or traveling summer day camp, as such camps are
6 defined in section thirteen hundred ninety-two of the public health law;
7 day care center worker; school-age child care worker; provider of family
8 or group family day care; employee or volunteer in a residential care
9 facility for children that is licensed, certified or operated by the
10 office of children and family services; or any other child care or
11 foster care worker; mental health professional; substance abuse counse-
12 lor; alcoholism counselor; all persons credentialed by the office of
13 alcoholism and substance abuse services; employees, who are expected to
14 have regular and substantial contact with children, of a health home or
15 health home care management agency contracting with a health home as
16 designated by the department of health and authorized under section
17 three hundred sixty-five-1 of this chapter or such employees who provide
18 home and community based services under a demonstration program pursuant
19 to section eleven hundred fifteen of the federal social security act who
20 are expected to have regular and substantial contact with children;
21 peace officer; police officer; district attorney or assistant district
22 attorney; investigator employed in the office of a district attorney; or
23 other law enforcement official.

24 § 2-a. Paragraph (a) of subdivision 1 of section 413 of the
25 social services law, as amended by chapter 733 of the laws of
26 2023, is amended to read as follows:

27 (a) The following persons and officials are required to report or
28 cause a report to be made in accordance with this title when they have
29 reasonable cause to suspect that a child coming before them in their
30 professional or official capacity is an abused or maltreated child, or
31 when they have reasonable cause to suspect that a child is an abused or
32 maltreated child where the parent, guardian, custodian or other person
33 legally responsible for such child comes before them in their profes-
34 sional or official capacity and states from personal knowledge facts,
35 conditions or circumstances which, if correct, would render the child an
36 abused or maltreated child: any physician; registered physician assist-
37 ant; surgeon; medical examiner; coroner; dentist; dental hygienist;
38 osteopath; optometrist; chiropractor; podiatrist; resident; intern;
39 athletic trainer; psychologist; registered nurse; social worker; emer-
40 gency medical technician; licensed creative arts therapist; licensed
41 marriage and family therapist; licensed mental health counselor;
42 licensed psychoanalyst; licensed behavior analyst; certified behavior
43 analyst assistant; hospital personnel engaged in the admission, examina-
44 tion, care or treatment of persons; a Christian Science practitioner;
45 clergy member or other minister of any religion; school official, which
46 includes but is not limited to school teacher, school guidance counse-
47 lor, school psychologist, school social worker, school nurse, school
48 administrator or other school personnel required to hold a teaching or
49 administrative license or certificate; full or part-time compensated
50 school employee required to hold a temporary coaching license or profes-
51 sional coaching certificate; social services worker; employee of a publ-
52 ically-funded emergency shelter for families with children; director of a
53 children's overnight camp, summer day camp or traveling summer day camp,
54 as such camps are defined in section thirteen hundred ninety-two of the
55 public health law; day care center worker; school-age child care worker;
56 provider of family or group family day care; employee or volunteer in a

1 residential care facility for children that is licensed, certified or
2 operated by the office of children and family services; or any other
3 child care or foster care worker; mental health professional; substance
4 abuse counselor; alcoholism counselor; all persons credentialed by the
5 office of alcoholism and substance abuse services; employees, who are
6 expected to have regular and substantial contact with children, of a
7 health home or health home care management agency contracting with a
8 health home as designated by the department of health and authorized
9 under section three hundred sixty-five-1 of this chapter or such employ-
10 ees who provide home and community based services under a demonstration
11 program pursuant to section eleven hundred fifteen of the federal social
12 security act who are expected to have regular and substantial contact
13 with children; peace officer; police officer; district attorney or
14 assistant district attorney; investigator employed in the office of a
15 district attorney; or other law enforcement official.

16 § 3. Subdivision 1 of section 413 of the social services law is
17 amended by adding five new paragraphs (e), (f), (g), (h) and (i) to read
18 as follows:

19 (e) Unless the person confessing or confiding waives the privilege, a
20 member of the clergy, or other minister of any religion or duly accred-
21 ited Christian Science practitioner, shall not be required to make a
22 report as required by paragraph (a) of this subdivision if the
23 confession or confidence was made to the member of the clergy, minister,
24 or Christian Science practitioner in such person's professional charac-
25 ter as spiritual advisor.

26 (f) When a member of the clergy has reasonable cause to suspect that a
27 child is an abused or maltreated child based upon any information
28 received other than through a confession or confidence made pursuant to
29 paragraph (e) of this subdivision, then such member of the clergy shall
30 promptly make a report as required by paragraph (a) of this subdivision
31 notwithstanding the fact that member of the clergy may have also
32 received a report of abuse or maltreatment through a confession or
33 confidence made pursuant to paragraph (e) of this subdivision.

34 (g) The provisions of paragraph (e) of this subdivision shall not be
35 deemed to exempt a member of the clergy from any other requirements of
36 law to prevent the perpetrator from committing additional acts of abuse.

37 (h) For the purposes of this subdivision the term "member of the cler-
38 gy" shall have the same definition as the term "clergyman" as set forth
39 in section two of the religious corporations law and shall also include
40 any person responsible for supervising a member of the clergy of a reli-
41 gious institution or responsible for the administration of a religious
42 institution.

43 (i) For the purposes of this subdivision the term "religious institu-
44 tion" shall mean a religious corporation created to enable its members
45 to meet for divine worship or other religious observances or a congre-
46 gation, society, or other assemblage of persons who are accustomed to
47 statedly meet for divine worship or other religious observances, without
48 having been incorporated for that purpose, as provided in section two of
49 the religious corporations law.

50 § 4. This act shall take effect immediately; provided, however, that
51 the amendments to paragraph (a) of subdivision 1 of section 413 of the
52 social services law made by section two-a of this act shall take effect
53 on the same date and in the same manner as section 12 of chapter 733 of
54 the laws of 2023, takes effect.