

STATE OF NEW YORK

789

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. BRISPORT -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the family court act, in relation to findings in child abuse or neglect proceedings in family court

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

1 Section 1. The opening paragraph of subdivision (f) of section 1051 of
2 the family court act, as added by chapter 430 of the laws of 1994, is
3 amended to read as follows:

4 Prior to accepting an admission to an allegation or permitting a
5 respondent to consent to a finding of neglect or abuse, the court shall
6 inform the respondent that such an admission or consent will result in
7 the court making a fact-finding order of neglect or abuse, as the case
8 may be, and shall further inform the respondent in substantially the
9 following terms of the potential consequences of such order, including
10 but not limited to the following:

11 § 2. Paragraph (iii) of subdivision (f) of section 1051 of the family
12 court act, as amended by a chapter of the laws of 2024 amending the
13 family court act relating to notices given to respondents in child abuse
14 and neglect proceedings in family court, as proposed in legislative
15 bills numbers S. 9745 and A. 7348, is amended to read as follows:

16 (iii) that any report made to the state central register of child
17 abuse and maltreatment of allegations on which the court makes a finding
18 of abuse or neglect will remain indicated in the register until ten
19 years after the eighteenth birthday of the youngest child named in such
20 report unless such finding is vacated or dismissed, and that:

21 (A) the respondent will be unable to amend such report in the state
22 central register; and

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

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1 (B) [~~if the court finding is for neglect, it shall be legally sealed~~
2 ~~eight years after the report was made unless it is sealed earlier in an~~
3 ~~administrative proceeding, and~~

4 ~~(C)~~] the existence of such report[~~, which is not legally sealed,~~] may
5 be made known to employers [~~seeking~~] required to screen employee or
6 volunteer applicants for positions where the individual has the poten-
7 tial for regular and substantial contact with children, and to child
8 care agencies if the respondent applies to become a foster parent or
9 adoptive parent unless:

10 (1) the court finding is for neglect and the report is eight or more
11 years old; or

12 (2) the report was determined not to be relevant to positions involv-
13 ing contact with children in an earlier administrative proceeding.

14 § 3. This act shall take shall take effect on the same date and in the
15 same manner as a chapter of the laws of 2024 amending the family court
16 act relating to notices given to respondents in child abuse and neglect
17 proceedings in family court, as proposed in legislative bills numbers S.
18 9745 and A. 7348, takes effect.