§ 422-a. Child abuse and neglect investigations; disclosure. 1. Notwithstanding any inconsistent provision of law to the contrary, the commissioner or a city or county social services commissioner may disclose information regarding the abuse or maltreatment of a child as set forth in this section, and the investigation thereof and any services related thereto if he or she determines that such disclosure shall not be contrary to the best interests of the child, the child's siblings or other children in the household and any one of the following factors are present:

(a) the subject of the report has been charged in an accusatory instrument with committing a crime related to a report maintained in the statewide central register; or

(b) the investigation of the abuse or maltreatment of the child by the local child protective service or the provision of services by such service has been publicly disclosed in a report required to be disclosed in the course of their official duties, by a law enforcement agency or official, a district attorney, any other state or local investigative agency or official or by judge of the unified court system; or

(c) there has been a prior knowing, voluntary, public disclosure by an individual concerning a report of child abuse or maltreatment in which such individual is named as the subject of the report as defined by subdivision four of section four hundred twelve of this title; or

(d) the child named in the report has died or the report involves the near fatality of a child. For the purposes of this section, "near fatality" means an act that results in the child being placed, as certified by a physician, in serious or critical condition.

2. For the purposes of this section, the following information may be disclosed:

(a) the name of the abused or maltreated child;

(b) the determination by the local child protective service or the state agency which investigated the report and the findings of the applicable investigating agency upon which such determination was based;

(c) identification of child protective or other services provided or actions, if any, taken regarding the child named in the report and his or her family as a result of any such report or reports;

(d) whether any report of abuse or maltreatment regarding such child

has been "indicated" as maintained by the statewide central register;

(e) any actions taken by the local child protective service and the local social services district in response to reports of abuse or maltreatment of the child to the statewide central register including but not limited to actions taken after each and every report of abuse or maltreatment of such child and the dates of such reports;

(f) whether the child or the child's family has received care or services from the local social services district prior to each and every report of abuse or maltreatment of such child;

(g) any extraordinary or pertinent information concerning the circumstances of the abuse or maltreatment of the child and the investigation thereof, where the commissioner or the local commissioner determines such disclosure is consistent with the public interest.

3. Information may be disclosed pursuant to this section as follows:

(a) information released prior to the completion of the investigation of a report shall be limited to a statement that a report is "under investigation";

(b) when there has been a prior disclosure pursuant to paragraph (a) of this subdivision, information released in a case in which the report has been unfounded shall be limited to the statement that "the investigation has been completed, and the report has been unfounded";

(c) if the report has been "indicated" then information may be released pursuant to subdivision two of this section.

4. Any disclosure of information pursuant to this section shall be consistent with the provisions of subdivision two of this section. Such disclosure shall not identify or provide an identifying description of the source of the report, and shall not identify the name of the abused or maltreated child's siblings, the parent or other person legally responsible for the child or any other members of the child's household, other than the subject of the report.

5. In determining pursuant to subdivision one of this section whether disclosure will be contrary to the best interests of the child, the child's siblings or other children in the household, the commissioner or a city or county social services commissioner shall consider the

interest in privacy of the child and the child's family and the effects which disclosure may have on efforts to reunite and provide services to the family.

6. Whenever a disclosure of information is made pursuant to this section, the city or county social services commissioner shall make a written statement prior to disclosing such information to the chief county executive officer where the incident occurred setting forth the paragraph in subdivision one of this section upon which he or she is basing such disclosure.

7. Except as it applies directly to the cause of the abuse or maltreatment of the child, nothing in this section shall be deemed to authorize the release or disclosure of the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family. Prior to the release or disclosure of any psychological, psychiatric or therapeutic reports, evaluations or like materials or information pursuant to this subdivision, the city or county social services commissioner shall consult with the local mental hygiene director.