§ 424. Duties of the child protective service concerning reports of abuse or maltreatment. Each child protective service shall:

1. receive on a twenty-four hour, seven day a week basis all reports of suspected child abuse or maltreatment in accordance with this title, the local plan for the provision of child protective services and the regulations of the commissioner;

2. maintain and keep up-to-date a local child abuse and maltreatment register of all cases reported under this title together with any additional information obtained and a record of the final disposition of the report, including services offered and accepted;

3. upon the receipt of each written report made pursuant to this title, transmit, forthwith, a copy thereof to the state central register of child abuse and maltreatment. In addition, not later than seven days after receipt of the initial report, the child protective service shall send a preliminary written report of the initial investigation, including evaluation and actions taken or contemplated, to the state central register. Follow-up reports shall be made at regular intervals thereafter in a manner and form prescribed by the commissioner by regulation to the end that the state central register is kept fully informed and up-to-date concerning the handling of reports;

4. give telephone notice and forward immediately a copy of reports made pursuant to this title which involve the death of a child to the appropriate district attorney. In addition, telephone notice shall be given and a copy of any or all reports made pursuant to this title shall be forwarded immediately by the child protective service to the appropriate district attorney if a prior request in writing for such notice and copies has been made to the service by the district attorney. Such request shall specify the kinds of allegations concerning which the district attorney requires such notice and copies and shall provide a copy of the relevant provisions of law;

5. forward an additional copy of each report to the appropriate duly incorporated society for the prevention of cruelty to children or other

duly authorized child protective agency if a prior request for such copies has been made to the service in writing by the society or agency;

5-a. give telephone notice and forward immediately a copy of reports made pursuant to this title which involve suspected physical injury as described in paragraph (i) of subdivision (e) of section ten hundred twelve of the family court act or sexual abuse of a child or the death of a child to the appropriate local law enforcement. Investigations shall be conducted by an approved multidisciplinary investigative team, established pursuant to subdivision six of section four hundred twenty-three of this title provided that in counties without a multidisciplinary investigative team investigations shall be conducted jointly by local child protective services and local law enforcement. Provided however, that co-reporting in these instances shall not be required when the local social services district has an approved protocol on joint investigations of child abuse and maltreatment between the local district and law enforcement. Such protocol shall be submitted to the office of children and family services for approval and the office shall approve or disapprove of such protocols within thirty days of submission. Nothing in this subdivision shall prohibit local child protective services from consulting with local law enforcement on any child abuse or maltreatment report.

5-b. shall make an assessment in a timely manner of each report made pursuant to this title which involves suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six months of any other two reports that were indicated or may still be pending involving the same child, sibling, or other children in the household or the subject of the report to determine whether it is necessary to give notice of the report to the appropriate local law enforcement entity. If the local child protective services determines that local law enforcement shall be given notice, they shall give telephone notice and immediately forward a copy of the reports to local law enforcement. If the report is shared with local law enforcement, investigations shall be conducted by an approved multidisciplinary investigative team, established pursuant to subdivision six of section

four hundred twenty-three of this title provided that in counties without a multidisciplinary investigative team investigations shall be conducted jointly by local child protective services and local law enforcement. Provided however, that co-reporting in these instances shall not be required when the local social services district has an approved protocol on joint investigations of child abuse and maltreatment between the local district and law enforcement. Such protocol shall be submitted to the office of children and family services for approval and the office shall approve or disapprove of such protocols within thirty days of submission. Nothing in this subdivision shall modify the requirements of this section. Nothing in this subdivision shall prohibit local child protective services from consulting with local law enforcement on any child abuse or maltreatment report and nothing in this subdivision shall prohibit local child protective services and local law enforcement or a multidisciplinary team from agreeing to co-investigate any child abuse or maltreatment report.

6. (a) upon receipt of such report, commence or cause the appropriate society for the prevention of cruelty to children to commence, within twenty-four hours, an appropriate investigation which shall include an evaluation of the environment of the child named in the report and any other children in the same home and a determination of the risk to such children if they continue to remain in the existing home environment, as well as a determination of the nature, extent and cause of any condition enumerated in such report and the name, age and condition of other children in the home, and, after seeing to the safety of the child or children, forthwith notify the subjects of the report and other persons named in the report in writing of the existence of the report and their respective rights pursuant to this title in regard to amendment;

(b) ascertain whether the child named in the report or any other child in the same home is in the care, custody or guardianship of an authorized agency. Where such authorized agency is not the social services district in which the home is located, the report shall be forwarded as soon as possible to such authorized agency and any other social services district charged with the care, custody or guardianship of the child or other children in the home. Such authorized agency and

local social services district shall also be notified as to whether such report is indicated or unfounded in accordance with subdivision seven of this section. Nothing in this subdivision shall require such social services district to investigate or participate in the investigation of such report;

(c) subject to rules and regulations of the division of criminal justice services, a manager of the child protective services unit, or a person with law enforcement background who is specifically designated by the commissioner of the local social services district for this purpose, shall have access to conviction records maintained by state law enforcement agencies pertaining to persons of or over the age of eighteen years who (1) are currently residing in the residence of any child who is alleged to be or suspected of being abused, maltreated, or neglected or (2) are named in any report of suspected or alleged child abuse, maltreatment, or neglect; provided that nothing in this subdivision shall be construed to contradict or modify section one thousand forty-six of the family court act. Any criminal history record provided by the division of criminal justice services, and any summary of the criminal history record provided by the office of children and family services to the child protective services unit of a local social services district pursuant to this subdivision, shall be kept confidential and shall not be made available for public inspection. Child protective services units shall not indicate a report solely based upon the existence of a conviction record;

6-a. upon receipt of such report and commencement of the appropriate investigation, where the child protective service is not able to locate the child or has been denied access to the home or denied access to the child named in the report or to any children in the household, and where the child protective investigator has cause to believe a child or children's life or health may be in danger immediately advise the parent or person legally responsible for the child's care or with whom the child is residing that, when denied sufficient access to the child or other children in the home, the child protective investigator may contact the family court to seek an immediate court order to gain access to the home and/or the child named in the report or any children in the household without further notice and that while such request is being

made to such court, law enforcement may be contacted and if contacted shall respond and shall remain where the child or children are or are believed to be present;

6-b. should the parent or persons legally responsible for the child's care or with whom the child is residing continue to deny access to the child, children and/or home sufficient to allow the child protective investigator to determine their safety and if a child protective investigator seeks an immediate family court order to gain access to the child, children and/or home, law enforcement may be contacted and if contacted shall respond and shall remain where the child or children are or are believed to be present while the request is being made;

7. determine, within sixty days, whether the report is "indicated" or "unfounded";

* 7-a. where a determination is not made within sixty days, document in the record the reason or reasons the determination was not made within sixty days, and determine within thirty days thereafter whether the report is "indicated" or "unfounded";

* NB Expired July 1, 1992

8. refer suspected cases of falsely reporting child abuse and maltreatment in violation of subdivision four of section 240.50 of the penal law to the appropriate law enforcement agency or district attorney;

9. take a child into protective custody to protect him from further abuse or maltreatment when appropriate and in accordance with the provisions of the family court act;

10. based on the investigation and evaluation conducted pursuant to this title, offer to the family of any child believed to be suffering from abuse or maltreatment such services for its acceptance or refusal, as appear appropriate for either the child or the family or both; provided, however, that prior to offering such services to a family, explain that it has no legal authority to compel such family to receive said services, but may inform the family of the obligations and

authority of the child protective service to petition the family court for a determination that a child is in need of care and protection;

11. in those cases in which an appropriate offer of service is refused and the child protective service determines or if the service for any other appropriate reason determines that the best interests of the child require family court or criminal court action, initiate the appropriate family court proceeding or make a referral to the appropriate district attorney, or both;

12. assist the family court or criminal court during all stages of the court proceeding in accordance with the purposes of this title and the family court act;

13. coordinate, provide or arrange for and monitor, as authorized by the social services law, the family court act and by this title, rehabilitative services for children and their families on a voluntary basis or under a final or intermediate order of the family court.

14. comply with provisions of sections ten hundred thirty-nine-a and ten hundred fifty-two-a of the family court act.

The provisions of this section shall not apply to a child protective service with respect to reports involving children in homes operated or supervised by the office of children and family services, the office of mental health, or the office of people with developmental disabilities subject to the provisions of section four hundred twenty-four-b of this title.