

# STATE OF NEW YORK

---

7042--A

Cal. No. 737

## IN SENATE

March 16, 2006

---

Introduced by Sens. MEIER, SALAND, DeFRANCISCO, FLANAGAN, GOLDEN, LARKIN, MARCHI, PADAVAN, RATH, SKELOS, SPANO, TRUNZO, VOLKER, WRIGHT, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Social Services, Children and Families -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the social services law, in relation to reporting procedures and duties of child protective services concerning reports of abuse or maltreatment

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

1 Section 1. Paragraph (a) of subdivision 2 of section 422 of the  
2 social services law, as amended by chapter 225 of the laws of 1991, is  
3 amended to read as follows:

4 (a) The central register shall be capable of receiving telephone calls  
5 alleging child abuse or maltreatment and of immediately identifying  
6 prior reports of child abuse or maltreatment and capable of monitoring  
7 the provision of child protective service twenty-four hours a day, seven  
8 days a week. To effectuate this purpose, but subject to the provisions  
9 of the appropriate local plan for the provision of child protective  
10 services, there shall be a single statewide telephone number that all  
11 persons, whether mandated by the law or not, may use to make telephone  
12 calls alleging child abuse or maltreatment and that all persons so  
13 authorized by this title may use for determining the existence of prior  
14 reports in order to evaluate the condition or circumstances of a child.  
15 In addition to the single statewide telephone number, there shall be a  
16 special unlisted express telephone number and a telephone facsimile  
17 number for use only by persons mandated by law to make telephone calls,  
18 or to transmit telephone facsimile information on a form provided by the  
19 commissioner, alleging child abuse or maltreatment, and for use by all  
20 persons so authorized by this title for determining the existence of  
21 prior reports in order to evaluate the condition or circumstances of a  
22 child. When any allegations contained in such telephone calls could

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

LBD15262-06-6

1 reasonably constitute a report of child abuse or maltreatment, such  
2 allegations shall be immediately transmitted orally or electronically by  
3 the department to the appropriate local child protective service for  
4 investigation. The inability of the person calling the register to  
5 identify the alleged perpetrator shall, in no circumstance, constitute  
6 the sole cause for the register to reject such allegation or fail to  
7 transmit such allegation for investigation. If the records indicate a  
8 previous report concerning a subject of the report, the child alleged to  
9 be abused or maltreated, a sibling, other children in the household,  
10 other persons named in the report or other pertinent information, the  
11 appropriate local child protective service shall be immediately notified  
12 of the fact, except as provided in subdivision eleven of this section.  
13 If the report involves either (i) suspected physical injury as described  
14 in paragraph (i) of subdivision (e) of section ten hundred twelve of the  
15 family court act or sexual abuse of a child or the death of a child or  
16 (ii) suspected maltreatment which alleges any physical harm when the  
17 report is made by a person required to report pursuant to section four  
18 hundred thirteen of this title within six months of any other two  
19 reports that were indicated, or may still be pending, involving the same  
20 child, sibling, or other children in the household or the subject of the  
21 report, the department shall identify the report as such and note any  
22 prior reports when transmitting the report to the local child protective  
23 services for investigation.

24 § 2. Section 424 of the social services law is amended by adding two  
25 new subdivisions 5-a and 5-b to read as follows:

26 5-a. give telephone notice and forward immediately a copy of reports  
27 made pursuant to this title which involve suspected physical injury as  
28 described in paragraph (i) of subdivision (e) of section ten hundred  
29 twelve of the family court act or sexual abuse of a child or the death  
30 of a child to the appropriate local law enforcement. Investigations  
31 shall be conducted by an approved multidisciplinary investigative team,  
32 established pursuant to subdivision six of section four hundred twenty-  
33 three of this title provided that in counties without a multidiscipli-  
34 nary investigative team investigations shall be conducted jointly by  
35 local child protective services and local law enforcement. Provided  
36 however, that co-reporting in these instances shall not be required when  
37 the local social services district has an approved protocol on joint  
38 investigations of child abuse and maltreatment between the local  
39 district and law enforcement. Such protocol shall be submitted to the  
40 office of children and family services for approval and the office shall  
41 approve or disapprove of such protocols within thirty days of  
42 submission. Nothing in this subdivision shall prohibit local child  
43 protective services from consulting with local law enforcement on any  
44 child abuse or maltreatment report.

45 5-b. shall make an assessment in a timely manner of each report made  
46 pursuant to this title which involves suspected maltreatment which  
47 alleges any physical harm when the report is made by a person required  
48 to report pursuant to section four hundred thirteen of this title within  
49 six months of any other two reports that were indicated or may still be  
50 pending involving the same child, sibling, or other children in the  
51 household or the subject of the report to determine whether it is neces-  
52 sary to give notice of the report to the appropriate local law enforce-  
53 ment entity. If the local child protective services determines that  
54 local law enforcement shall be given notice, they shall give telephone  
55 notice and immediately forward a copy of the reports to local law  
56 enforcement. If the report is shared with local law enforcement, inves-

1 tigations shall be conducted by an approved multidisciplinary investi-  
2 gative team, established pursuant to subdivision six of section four  
3 hundred twenty-three of this title provided that in counties without a  
4 multidisciplinary investigative team investigations shall be conducted  
5 jointly by local child protective services and local law enforcement.  
6 Provided however, that co-reporting in these instances shall not be  
7 required when the local social services district has an approved proto-  
8 col on joint investigations of child abuse and maltreatment between the  
9 local district and law enforcement. Such protocol shall be submitted to  
10 the office of children and family services for approval and the office  
11 shall approve or disapprove of such protocols within thirty days of  
12 submission. Nothing in this subdivision shall modify the requirements of  
13 this section. Nothing in this subdivision shall prohibit local child  
14 protective services from consulting with local law enforcement on any  
15 child abuse or maltreatment report and nothing in this subdivision shall  
16 prohibit local child protective services and local law enforcement or a  
17 multidisciplinary team from agreeing to co-investigate any child abuse  
18 or maltreatment report.

19 § 3. This act shall take effect on the one hundred twentieth day after  
20 it shall have become a law.

---

**NEW YORK STATE SENATE**  
**INTRODUCER'S MEMORANDUM IN SUPPORT**  
**submitted in accordance with Senate Rule VI. Sec 1**

**BILL NUMBER:** S7042A

**SPONSOR:** MEIER

**TITLE OF BILL:**

An act to amend the social services law, in relation to reporting procedures and duties of child protective services concerning reports of abuse or maltreatment

**PURPOSE:**

This bill directs local child protective services (CPS) to refer certain reports of child abuse and maltreatment to appropriate local law enforcement and for investigations to be conducted by an approved multidisciplinary investigative team, or jointly with local law enforcement where a county does not have an approved multidisciplinary team. It exempts counties that have an approved protocol. between CPS and local law enforcement on joint investigations of child abuse and maltreatment.

**SUMMARY OF PROVISIONS:**

Section one of the bill amends section 422 of the social services law to require the State central register (SCR) to transfer prior reports which concern the child alleged to be abused or maltreated, a sibling or other child in the household to CPS when transmitting reports.

Sections two of the bill amend section 424 of the social services law to require the local child protective services (CPS) to immediately report cases to the appropriate local law enforcement when allegations in a

report constitute suspected physical injury or sexual abuse of a child or the death of a child. In cases where there is suspected maltreatment alleging any physical injury when the report is made by a mandated reporter within six months of any other two reports to the SCR involving the same child, a sibling or other children in the household or the subject of the report, CPS must make an assessment of the case to determine whether or not it should be shared with local law enforcement. It directs that investigations shall be conducted by an approved multidisciplinary investigative team, provided that in counties without an approved multidisciplinary team, investigations shall be conducted jointly by local CPS and local law enforcement. Those districts which have an approved protocol on joint investigations of child abuse and maltreatment between the local district and law enforcement shall not be required to make reports to law enforcement as required by this bill.

Section three of the bill provides for an effective date 120 days after it shall have become law.

**EXISTING LAW:**

No statutes exist for the referral of child abuse and maltreatment reports to local law enforcement with the exception child death reports which must be reported to the District Attorney and notice when a child is taken into protective custody by CPS.

**PRIOR LEGISLATIVE HISTORY:**

New legislation.

**JUSTIFICATION:**

Protecting children from abuse and maltreatment is one of society's most basic duties. The State Central Register was established and has been enhanced over the years in order to help ensure that reports of alleged abuse or maltreatment of a child by a family member or guardian are tracked and handled in a professional and coordinated manner. Existing statutes clearly specify how reports shall be handled by the SCR and referred to the CPS. With the exception of deaths being reported to the District Attorney's, there is no statewide protocol identifying which reports should be referred to local law enforcement as well as child protective services.

It is well recognized that the best way to handle serious cases of abuse or maltreatment are through a multidisciplinary team approach. These teams help ensure that all of the child's needs are met in a coordinated fashion and that the child is not further traumatized by the investigative process.

This proposal would help to ensure that the more serious reports of child abuse and maltreatment which are referred to the local child protective services by the state central registry are referred to local law enforcement and that an approved multidisciplinary team handles the investigation or, in counties that do not have an approved multidisciplinary team, local CPS and law enforcement work jointly on the investigation.

**FISCAL IMPLICATIONS:**

No new expenses anticipated as local law enforcement is charged with protecting the public from harm and investigating child abuse reports involving allegations of serious harm should be a priority.

**EFFECTIVE DATE:**

120th day after it shall have become law.