



# MEMORANDUM OFFICE OF ERIE COUNTY EXECUTIVE MARK POLONCARZ

TO: Erie County Delegation to the New York State Legislature  
Leadership of the New York State Legislature

CC: Chairpersons of the Assembly and Senate Committees of Children  
and Families

FROM: Mark C. Poloncarz, Erie County Executive

DATE: April 15, 2014

RE: Legislation to improve the provision of child protective services to  
New York's children and families

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Below, please find descriptions of 19 pieces of legislation I request be introduced to the State Legislature designed to improve the provision of child protective services to New York's children and families. Most child protective services laws were enacted in the 1970s and have not been substantially amended since, including the failure to amend the law to keep up with the vast technological changes that have occurred. These recommendations come after much work and research by my office and the Department of Social Services.

## **INCREASING CPS POWERS TO HELP CHILDREN**

- 1. Creates a presumption of neglect if there is a single incident of excessive corporal punishment:**
  - Amends the definition of neglect in the Social Services Law and the Family Court Act to establish a presumption of neglect if there is a single incident of excessive corporal punishment, and amends Social Service Law and the Family Court Act to add a definition of excessive corporal punishment.
  - This legislation will make it easier for a child protective service to make a finding of neglect against a family member and then to take appropriate action up to removing a child where warranted through a family court action when the guardian is shown to pose a risk to the child as the result of the infliction of excessive corporal punishment.
- 2. Creates a presumption of neglect against a mother when a child is born with positive toxicology for a controlled substance:**
  - Amends the Family Court Act and Social Services Law to establish a presumption that a child's physical, mental or emotional condition has been impaired or is in imminent danger of being impaired when a newborn child's blood or urine tests positive for a controlled

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substance as such term is defined in subdivision 5 of section 220 of the penal law, unless such substance has been prescribed by a physician

- This legislation will make it easier for child protective services to take action to protect a baby if it is born with illegal drugs and alcohol in their system.

### **3. Allows the department of social services to subpoena records from private agencies for use in any investigation of any report received from the State Central Register or proceeding relating to abuse or neglect:**

- Amends the Family Court Act to make three changes regarding obtaining subpoenas in child abuse and neglect proceedings:
  - Adds the counsel for a local department of social services or his/her designee, and the designee of the county attorney to the list of officials able to subpoena records, photographs or other evidence relating to abuse or neglect from hospitals and any other public or private agencies;
  - Expands the use of subpoenaed records from use in proceedings to also include use in investigations of a report received from the State Central Register; and
  - Allows service of any such subpoena upon a hospital to be made by personal service to the hospital director.
- This legislation will allow for a more complete and rapid investigation and therefore has the potential to better protect children, will save children from further acts of abuse and neglect and ultimately may save the lives of children who have experienced abuse or neglect.

### **4. Requires law enforcement and other governmental agencies to supply child protective services with records during an investigation of child abuse or maltreatment within 72 hours of a request.**

- Amends the Social Services Law and Executive Law to require various law enforcement and other governmental agencies such as fire departments and 911 dispatch centers to provide records to child protective services, including arrest and conviction records, orders of protection, information indicating that a person named in a report is currently under supervision of a probation or parole agency of the state or of a local government and the charge or charges related thereto, information indicating if there is an outstanding arrest warrant, information indicating if a person is a registered sex offender and information indicating if there have been requests for an emergency response involving an address or involving a person named in a report.
- This legislation will give child protective workers quick access to what could prove to be critically important information that will aid in their investigation to protect children from new acts of violence and will provide additional protection for child protective services workers by providing them with important information about the people and location to which they are responding.

## **IMPROVING QUALITY OF REPORTING TO SCR**

### **5. Increases the penalties for making false allegations of suspected abuse or neglect of a child or of a vulnerable person:**

- Amends the penal law to create a new felony crime of knowingly making false allegations of suspected abuse or neglect of a child or of a vulnerable person. The current misdemeanor

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penalty is retained. The felony offense can be applied where there are certain aggravating circumstances or repeat offenses.

- This legislation will result in fewer false reports to the Statewide Central Register for Child Abuse and Maltreatment made for malicious reasons.

### **6. Establishes a civil penalty for making false allegations of suspected abuse or neglect of a child:**

- Amends the social services law to establish a civil penalty for making false allegations of suspected abuse or neglect of a child which can be prosecuted in a civil action by the Office of Children and Families or a local child protective service.
- This legislation will result in fewer false reports to the Statewide Central Register for Child Abuse and Maltreatment made for malicious reasons and thus provide more time for child protective workers to investigate serious and complex cases that require a great deal of time and attention.

### **7. Requires mandated reporters to receive coursework or training regarding the identification and reporting of child abuse and maltreatment every three years:**

- Amends the Education Law and Social Services Law to require certain officials receive an additional two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.
- This legislation will improve the quality of reports made to the Statewide Central Register of Child Abuse and Maltreatment by mandated reporters.

## **PUNISHING ABUSERS AND PROTECTING CHILDREN**

### **8. Establishes a Class D violent felony offense for endangering the welfare of a child:**

- Amends the Penal Law to establish a new Class D violent felony offense of endangering the welfare of a child in certain aggravated circumstances.
- This legislation will create a more severe penalty in certain aggravating circumstances of abuse and maltreatment of a child where they family member knowingly or recklessly creates a risk of either serious physical injury or prolonged impairment. The current Class A misdemeanor penalty of endangering the welfare of a child is retained but is renamed as Endangering the Welfare of a Child in the Second Degree.

### **9. Requires OCFS to transmit certain critical information to the local child protective service:**

- Amends the Social Services Law to require OCFS to notify the appropriate local child protective service if the subject of an allegation of child abuse or maltreatment is a child care provider, or if any person named in a report is a known sex offender or to have previously been the subject of a founded report of abuse or neglect. Such notice is to be provided by OCFS at the time that OCFS forwards a report to a local child protective service.
- This legislation will give critical information to a local child protective service at the beginning of an investigation which will better allow it to assess the risk to children.

**10. Allowing local social services districts to prohibit informal child care providers who are the subject of an indicated report or have certain felony convictions:**

- Amends the Social Services law to allow local social services districts to forbid an informal day care provider who is the subject of an indicated report on file with the statewide central register or a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense from participating in the New York State Child Care Block Grant program. Informal day care providers are not required to be licensed or registered by OCFS or by a local social services district, but they may seek to be reimbursed for providing day care services in certain circumstances.
- This legislation will extend the criteria used to protect children from unsafe licensed or registered child day care providers to informal child care providers.

**MODERNIZING THE CHILD WELFARE SYSTEM**

**11. Improves the Statewide Automated Child Welfare Information System to allow for the storing of images and documents:**

- Amends the Social Services Law to require the Statewide Automated Child Welfare Information System (Connections) to allow for the upload of digital images and electronic documents.
- The legislation will allow supportive documentation be stored in the official CPS case files.

**12. Requires calls made to the statewide central registry to be recorded:**

- Amends the Social Services Law to require calls made to the central register be recorded and such recording made part of any report of suspected child abuse and neglect. The voice recording shall be transmitted to the appropriate local child protective service for investigation. The recording of all calls whether considered a report or not shall be retained by OCFS for specified periods.
- This legislation will make it easier for child protection workers to investigate reports made to the Register and for OCFS to document whether calls were made and what they contained

**13. Requires the transmittal of prior call and report history statewide to the appropriate local child protective service for investigation:**

- Amends Social Services Law to require OCFS to include, in its transmittal of an allegation of child abuse or maltreatment for investigation, all previous reports and calls on a statewide basis involving the subject of the report and children named in the report including reports of allegations of child abuse or maltreatment.
- This legislation will give child protective workers information about previous investigations at the beginning of an investigation. In addition, they will have access to previous allegations of abuse or neglect, including allegations that were not transmitted to the local district.

**14. Requires technological improvements to the statewide central registry, including internet reporting and allowing photographs be submitted:**

- Amends section 422 of the Social Services Law to require the statewide central register to:

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- Receive allegations of child abuse and maltreatment by internet and webpage reporting in addition to the traditional telephone reporting method;
- Receive photographs in electronic format and include such photographs in the official report;
- Establish an internet address to receive allegations of child abuse or maltreatment from mandated reporters in addition to the statewide telephone number.
- This legislation will make it easier for the public and mandated reports to make allegations of child abuse or neglect to the statewide central register and to substantiate such reports by uploading photographs and documents in digital format.

### **OTHER CRITICAL REFORMS**

#### **15. Removes the requirement that the sixty-five percent state reimbursement by social services districts for children and family services be subject to the approval of the director of the budget:**

- Amends Social Services Law by removing the requirement that the sixty-five percent state reimbursement by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies be subject to the approval of the director of the budget.
- This legislation will increase the resources available to local child protective services.

#### **16. Removes unrelated information from fatality reports:**

- Amends the Social Service Law by reducing the amount of extraneous information included in the fatality report to information related to the child's death.
- This legislation will better maintain the privacy of a family grieving the loss of a child while still producing a report that helps create a better child protective system, and still provides the public with a clear view of the work undertaken by a child protective services in investigating allegations of abuse or maltreatment against a child and in protecting such child.

#### **17. Requires hospitals and birth centers to provide leaflets on safe and unsafe sleeping practices:**

- Amends the Public Health Law to require hospitals and birth centers to request each mother and father of a newborn view a video presentation on safe sleeping practices for newborns.
- This legislation will inform parents about the dangers of unsafe sleeping, which will result in fewer children put at risk.

#### **18. Requires the prioritization of civil services tests for child protective positions:**

- Amends the Civil Service Law in relation to establishing a priority in the scheduling of an examination for any position in the classified services that provides child protection services pursuant to Title 6 of the social services law.
- This legislation will allow local districts that certify a need for an examination on a priority basis to quickly establish an eligible list for these critical positions.

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**19. Prohibits prosecuting a social services commissioner for disclosing information pertaining to a child abuse or maltreatment investigation if done so in good faith adherence to state law:**

- Amends the Social Services Law to prohibit prosecuting any city or county social services commissioner for disclosing information pertaining to a child abuse or maltreatment investigation if done in good faith adherence to the standards contained in Social Services Law.
- This legislation will better allow Social Services Commissioners to inform the public of child abuse investigations as allowed by New York State Social Services law, thereby restoring public confidence in child protective services.

**Bill Number 1**  
**Excessive Corporal Punishment**

**TITLE OF BILL:** An act to amend the social services law and family court act, in relation to the definition of neglect.

**PURPOSE OF BILL:** This bill creates a presumption of neglect after a single incident of excessive corporal punishment.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill adds the counsel for the department of social services or his/her designee, and the designee of the county attorney to the list of officials able to subpoena records, photographs or other evidence relating to abuse or neglect from hospitals and any other public or private agencies.

Section 1 of the bill amends the definition of neglect in section 371(4-a)(i)(B) of the Social Services Law to establish a presumption of neglect if there is a single incident of excessive corporal punishment.

Section 2 of the bill amends the definition of neglect in section 1012(f)(i)(B) of the Family Court Act to establish a presumption of neglect if there is a single incident of excessive corporal punishment.

Section 3 of the bill amends section 371 of the Social Service Law by adding a new subdivision 22 to add a definition of excessive corporal punishment in the Social Services Law.

Section 4 of the bill amends section 1012 of the Family Court Act by adding a new subdivision 1 to add a definition of excessive corporal punishment in the Family Court Act.

Section 5: Effective Date.

**JUSTIFICATION:** There is currently not a presumption of neglect for a single incident of excessive corporal punishment. This makes it difficult for child protection agencies to remove a child through family court action when the guardian poses a risk to the child. The presumption of neglect will make it easier for social services departments to act in the best interest of children.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**EFFECTIVE DATE:** This act shall take effect on the first day of January next succeeding the date on which it shall become a law.

**Bill Number 1**  
**Excessive Corporal Punishment**

AN ACT to amend the social services law and family court act, in relation to the definition of neglect.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Clause (B) of paragraph (i) of subdivision (4-a) of section 371 of the social services law, is amended to read as follows:

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; a single incident of excessive corporal punishment shall create a presumption of neglect; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set for the in paragraph (i) of this subdivision; or

S2. Clause (B) of paragraph (i) of subdivision (f) of section 1012 of the family court act, is amended to read as follows:

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; a single incident of excessive corporal punishment shall create a presumption of neglect; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set for the in paragraph (i) of this subdivision; or

S3. Section 371 of the social services law is amended by adding a new subdivision (22) as follows:

(22) "Excessive Corporal Punishment" means any physical discipline inflicted by a parent or guardian for correction or restraint purposes that is unreasonable and/or immoderate.

Presumptively unreasonable and/or immoderate actions if they are used to correct or restrain a child include but are not limited to the following actions:

- (1) Throwing, kicking, burning, biting, or cutting a child;
- (2) Striking a child with a closed fist;

**Bill Number 1**  
**Excessive Corporal Punishment**

- (3) Striking a child with a dangerous instrument or weapon;
- (4) Shaking a child aged three or younger;
- (5) Interfering with a child's breathing;
- (6) Threatening a child with a weapon;
- (7) Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that was not prescribed for the child by a practitioner, in order to control or punish the child;
- (8) Unreasonable physical confinement, including but not limited to caging, chaining or tying;
- (9) Doing any other act likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

The age, size and the condition of the child and the location of the injury or injuries shall be considered when determining whether the bodily harm is unreasonable and immoderate.

S4. Section 1012 of the family court act is amended by adding a new subdivision (l) as follows:

- (l) "Excessive Corporal Punishment" means any physical discipline inflicted by a parent or guardian for correction or restraint purposes that is unreasonable and/or immoderate.

Presumptively unreasonable and/or immoderate actions if they are used to correct or restrain a child include but are not limited to the following actions:

- (1) Throwing, kicking, burning, biting, or cutting a child;
- (2) Striking a child with a closed fist;
- (3) Striking a child with a dangerous instrument or weapon;
- (4) Shaking a child aged three or younger;
- (5) Interfering with a child's breathing;
- (6) Threatening a child with a weapon;
- (7) Purposely giving a child poison, alcohol, or dangerous, harmful, or controlled substances that was not prescribed for the child by a practitioner, in order to control or punish the child;
- (8) Unreasonable physical confinement, including but not limited to caging, chaining or tying;
- (9) Doing any other act likely to cause and which does cause bodily harm greater than transient pain or minor temporary marks.

The age, size and the condition of the child and the location of the injury or injuries shall be considered when determining whether the bodily harm is unreasonable and immoderate.

S5. This act shall take effect on the first day of January next succeeding the date that it shall have become a law.

**Bill Number 2**  
**Positive Toxicology**

**TITLE OF BILL:** An act to amend the social services law and family court act, in relation to in relation a presumption of neglect against a child in certain circumstances.

**PURPOSE OF BILL:** The bill's purpose is to protect children from the hazards of early exposure to drugs by making it clear that a finding of neglect can be based upon a positive toxicology report in the blood or urine of a new born.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends subdivision 4-a of section 371 of the Social Services Law by adding a new paragraph (C) and section 2 of the bill amends subdivision (f) of section 1012 of the Family Court Act by adding a new paragraph (C) in which each section establishes a presumption that a child's physical, mental or emotional condition has been impaired or is in imminent danger of being impaired when a newborn child's blood or urine tests positive for a controlled substance as such term is defined in subdivision 5 of section 220 of the penal law. The bill contains an exemption for drugs prescribed by a physician.

Section 3: Effective date.

**JUSTIFICATION:**

A child who is exposed to controlled substances in the womb is in danger from a large variety of negative outcomes caused by such exposure. It is in the best interests of a child that a finding of neglect, when supported by additional credible evidence be made so that child protection services can inquire into the child's physical and mental health. It is also desirable that this bill be passed to help act as a deterrent to the use of controlled substances by a pregnant woman.

The New York State Court of Appeals considered this question in "In the Matter of Nassau County DSS O/B/O Dante," 87 N.Y.2d 73 (1995). The Court held that the Social Services Law as written did not allow a finding of neglect solely based upon a positive toxicology finding. It held that "a positive toxicology report, in conjunction other evidence, may support a neglect finding."

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**EFFECTIVE DATE:** This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

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**Bill Number 2**  
**Positive Toxicology**

AN ACT to amend the social services law and family court act, in relation to in relation a presumption of neglect against a child in certain circumstances.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (i) of Subdivision 4-a of section 371 of the Social Services Law is amended by adding a new subparagraph (C) to read as follows:

(C) Provided that if it is established through tests of a new born child's blood or urine or through similar tests of the new born child that such child was exposed to controlled substances as defined in paragraph 5 of section 220 of the penal law that were not prescribed by a physician, there shall be presumption that such child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her mother to exercise the legally required degree of care;

S 2. Paragraph (i) of Subdivision (f) of Section 1012 of the family court act is amended by adding a subparagraph (c) to read as follows:

(C) Provided that if it is established through tests of a new born child's blood or urine or through similar tests of the new born child that such child was exposed to controlled substances as defined in paragraph 5 of section 220 of the penal law that were not prescribed by a physician, there shall be presumption that such child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her mother to exercise the legally required degree of care;

S 3. This act shall take effect on January 1 next succeeding the date on which it shall have become a law.

**Bill Number 3**  
**Subpoena Records**

**TITLE OF BILL:** An act to amend the family court act, in relation to allowing the counsel for a department of social services the authority to subpoena records for use in any investigation of any report received from the State Central Register or proceeding relating to abuse or neglect.

**PURPOSE OF BILL:** This bill would give the counsel for a department of social services or his/her designee the authority to subpoena records for use in any investigation of any report received from the State Central Register or proceeding relating to abuse or neglect.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends Section 1038 of the Family Court Act to make three changes regarding obtaining subpoenas in child abuse and neglect proceedings:

It adds the counsel for a department of social services or his/her designee, and the designee of the county attorney to the list of officials able to subpoena records, photographs or other evidence relating to abuse or neglect from hospitals and any other public or private agencies;

It also expands the use of subpoenaed records from use in proceedings to also include use in investigations of an report received from the State Central Register; and

It also allows service of any such subpoena upon a hospital to be made by personal service to the hospital director.

Section 2: Effective Date.

**JUSTIFICATION:** Child protection agencies do not have an established right to records, photographs or other evidence relating to abuse or neglect. It is therefore often difficult for child protection workers to conduct a meaningful investigation when the subject of the investigation refuses access to the records, photographs or other evidence. This legislation would establish a mechanism by which child protective agencies can get access to these records, photographs or other evidence during the initial stages of an investigation through a subpoena issued by the counsel for the department of social services or his/her designee.

This new subpoena power will allow for a more complete and rapid investigation and therefore has the potential to better protect children, will save children from further acts of abuse and neglect and ultimately may save the lives of children who have experienced abuse or neglect.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 3**  
**Subpoena Records**

**AN ACT** to amend the family court act, in relation to allowing the counsel for a department of social services the authority to subpoena records for use in any investigation or proceeding relating to abuse or neglect.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Subdivision (a) of section 1038 of the family court act, is amended to read as follows:

(a) Each hospital and any other public or private agency having custody of any records, photographs or other evidence relating to abuse or neglect, upon the subpoena of the court, the corporation counsel, county attorney or his/her designee, counsel for the department of social services or his/her designee, district attorney, counsel for the child, or one of the parties to the investigation of an report received from the State Central Register or proceeding, shall be required to send such records, photographs or evidence to the court for use in any investigation of an report received from the State Central Register or proceeding relating to abuse or neglect under this article. Notwithstanding any other provision of law to the contrary, service of any such subpoena on a hospital may be made by certified mail, return receipt requested, or by personal service, to the director of the hospital. The court shall establish procedures for the receipt and safeguarding of such records.

S2. This act shall take effect immediately.

**Bill Number 4**  
**Criminal Records**

**TITLE OF BILL:** An act to amend the social services law and executive law, in relation to access to law enforcement records during an active investigation of suspected child abuse or maltreatment undertaken by a child protective service.

**PURPOSE OF BILL:** To improve the quality, speed and safety of investigations of suspected child abuse and neglect by requiring law enforcement to provide within seventy-two hours of a request by a child protective service a full and complete copy of any unsealed records that pertain to an active investigation of suspected child abuse or maltreatment undertaken by a child protective service.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends Section 424 of the Social Services Law requires the State Police, the Division of Criminal Justice Services, the Division of Parole and any other department, agency, or division of the state that holds relevant records, within seventy-two hours of a request by a child protective service, provide a full and complete copy of any unsealed record that pertain to an active investigation of suspected child abuse or maltreatment undertaken by a child protective service. The records include, but are not limited to, arrest and conviction records, orders of protection, information indicating that a person named in a report is currently under supervision of a probation or parole agency of the state or of a local government and the charge or charges related thereto, information indicating if there is an outstanding arrest warrant, information indicating if a person is a registered sex offender and information regarding requests for police services or a police response to a specified address or involving specified persons.

Section 1 of the bill also requires local municipal police departments, county sheriff offices, all fire departments whether volunteer or not, all 911 dispatch operations, parole agencies or departments, all ambulance services whether public or private and any other department, agency, or division of a local government that hold relevant records shall, within seventy-two hours of a request by a child protective service, provide a full and complete copy of any unsealed records. The records include, but are not limited to, arrest and conviction records, orders of protection, information indicating that a person named in a report is currently under supervision of a probation or parole agency or department of the state or of a local government and the charge or charges related thereto, information indicating if there is an outstanding arrest warrant, information indicating if a person is a registered sex offender and information regarding requests for police services, information that there has been a request for a police response or other emergency response to a specified address or involving specified persons.

Section 1 of the bill also keeps these records confidential and requires this information be provided at no cost to the child protective service.

Section 2 of the bill amends subdivision 19 of Section 837 by making a typographical change.

Section 3 of the bill amends Section 837 of the Executive Law by making it a duty of the Division of Criminal Justice Services to supply records requested by a child protective service.

Section 4 of the bill amends Section 223 of the Executive Law by making it a duty of the state police to provide all relevant records that are requested by a child protective service.

**Bill Number 4**  
**Criminal Records**

Section 5 of the bill amends Section 259-k of the Executive Law by making it a duty of the Division of Parole to supply records requested by a child protective service.

Section 6 of the bill amends Section 256-a of the Executive Law by making it a duty of any Probation agency or department to supply records requested by a child protective service.

Section 7: Effective date.

**JUSTIFICATION:**

CPS investigation must be commenced virtually immediately after their receipt by each child protective services unit in each county. Quick access to criminal records of those persons named in a CPS report will provide the responding CPS workers with what could prove to be critically important information that will aid in their investigation to protect children from new acts of violence and offer workers with an added level of personal security. Should police records indicate that a violent felon is in the home, the CPS worker will be warned and may seek a police escort to accompany them to the home and might have valuable information that could indicate the need for a firmer and more rapid action to protect a child.

Child protective services workers are currently trained by the New York State Office of Children and Family Services to examine the criminal history of alleged perpetrators of child abuse or maltreatment during an assessment or investigation. However, there is no legal obligation from law enforcement entities to quickly provide this information.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Increased costs to law enforcement agencies to provide this information.

**EFFECTIVE DATE:** This act shall take effect immediately after it shall have become a law.

**Bill Number 4**  
**Criminal Records**

**AN ACT** to amend the social services law and executive law, in relation to access to law enforcement records during an active investigation of suspected child abuse or maltreatment undertaken by a child protective service.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 424 of the Social Services Law is amended by adding a new subdivision 15 to read as follows:

15. a. Notwithstanding any law, rule or regulation to the contrary, the State Police, the Division of Criminal Justice Services, the Division of Parole and any other department, agency, or division of the state that holds relevant records shall, within seventy-two hours of a request by a child protective service provide to such child protective service a full and complete copy of any records that are not sealed by a court of competent jurisdiction pursuant to New York State Law, that pertain to an active investigation of suspected child abuse or maltreatment undertaken by a child protective service pursuant to Title Six of Article Six of the Social Services law. The records that are subject to this subdivision include, but are not limited to, arrest and conviction records, orders of protection, information indicating that a person named in a report is currently under supervision of a probation or parole agency of the state or of a local government and the charge or charges related thereto, information indicating if there is an outstanding arrest warrant, information indicating if a person is a registered sex offender and information regarding requests for police services or a police response to a specified address or involving specified persons. Such requests for records may include a request for records naming all persons named in a report of suspected child abuse or maltreatment. This section does not authorize the release of confidential medical records or of mental health records that may be held by an agency of New York state. Records or parts thereof may be withheld to the extent necessary to not compromise an active criminal investigation that is being undertaken by the agency that holds such records.

b. Notwithstanding any law, rule or regulation to the contrary, local municipal police departments, county sheriff offices, all fire departments whether volunteer or not, all 911 dispatch operations, parole agencies or departments, all ambulance services whether public or private and any other department, agency, or division of a local government that hold relevant records shall, within seventy-two hours of a request by a child protective service, provide to such child protective service a full and complete copy of any records that are not sealed by a court of competent jurisdiction pursuant to New York State Law, that pertain to an active investigation of suspected child abuse or maltreatment undertaken by a child protective service pursuant to Title Six of Article Six of the Social Services law. The records that are subject to this subdivision include, but are not limited to, arrest and conviction records, orders of protection, information indicating that a person named in a report is currently under supervision of a probation or parole agency or department of the state or of a local government and the charge or charges related thereto, information indicating if there is an outstanding arrest warrant, information indicating if a person is a registered sex offender and information regarding requests for police services, information that there has been a request for a police response or other emergency response to a specified address or involving specified persons. Such requests for records may include a request for records naming all persons named in a report of suspected child abuse or maltreatment. This section does not authorize the release of confidential medical records or of mental health records

**Bill Number 4**  
**Criminal Records**

that may be held by an agency of New York state. Records or parts thereof may be withheld to the extent necessary to not compromise an active criminal investigation that is being undertaken by the agency that holds such records.

c. Records obtained by a child protective service pursuant to paragraph a or b of this subdivision shall be considered part of a report of suspected child abuse or maltreatment and shall be confidential as provided for in Section 422 of the Social Services law and may only be disclosed as authorized in subdivision 4 of Section 422 of such law. The penalties prescribe in subdivision 12 of Section 422 apply to any unauthorized release of any report obtained pursuant to this subdivision.

d. All records that are to be provided to a child protective service pursuant to paragraph a and b of this subdivision shall be provided at no cost to the child protective service that has requested such record.

S 2. Subdivision 19 of Section 837 of the Executive Law is amended by removing the period at the end of such subdivision and inserting a semicolon.

S 3. Section 837 of the Executive Law is amended by adding a new paragraph 20 to read as follows:

20. Shall supply all records requested by a child protective service as authorized by Subdivision 15 of Section 424 of the Social Services law.

S 4. Section 223 of the Executive Law is amended by adding a new undesignated paragraph at the end of Section 223 to read as follows:

The superintendent of the state police shall fully and promptly provide all relevant records that are requested by a child protective service pursuant to Subdivision 15 of Section 424 of the Social Services Law unless such record or part thereof is allowed to be withheld by Subdivision 15 of Section 424 of the Social Services law. All relevant records that are contained within or available through the basic system established by Section 218 of this chapter and the computer system established by Section 221-a of this chapter shall be provided to a child protective service. In addition, any relevant record that is contained in any other system under the control or supervision of the superintendent that now exists or is created in the future shall be provided to a child protective service.

S 5. Section 259-k of the Executive Law is amended by adding a new subdivision 5 to read as follows:

5. The Division of Parole shall supply all records requested by a child protective service as authorized by Subdivision 15 of Section 424 of the Social Services law.

S 6. Section 256-a of the Executive Law is amended by adding a new sentence at the end of such Section to read as follows:

Each probation agency or department shall supply all records requested by a child protective service as authorized by Subdivision 15 of Section 424 of the Social Services law.

S 7. This act shall take effect immediately after it shall have become a law.

**Bill Number 5**  
**False Reports - Penal**

**TITLE OF BILL:** An act to amend the penal law, in relation to increasing the penalties for making false allegations of suspected abuse or neglect of a child or of a vulnerable person.

**PURPOSE OF BILL:** This bill makes a second or subsequent incident of falsely reporting an alleged occurrence of child abuse or maltreatment or abuse or neglect of a vulnerable person a class E felony. The bill will also make a false report of child abuse or neglect a class E felony where it can be proven that one or more aggravating conditions exist. The current maximum penalty for false reporting is a class A misdemeanor.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill adds a new paragraph 4 to Section 240.55 of the penal law to make a second or subsequent incident of making a false report of an alleged occurrence or condition of child abuse or maltreatment or abuse or neglect of a vulnerable person a class E felony. The bill also adds a new paragraph 5 to Section 240.55 of the penal law to make a false report of child abuse or maltreatment or a false report of abuse or neglect of a vulnerable person where it can be proven that the false report is made to harm another person or to obtain a financial or other benefit or to obtain an advantage in any proceeding including, but not limited to, a divorce proceeding, child custody proceeding or child abuse or neglect proceeding a class E felony.

Section 2 of the bill makes a conforming change to Section 422 of the social services law.

Section 3 of the bill allows the Office of Children and Family Services to impose a fine, not to exceed \$10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse or maltreatment of a child, or a person who counsels another to make a false report. In addition, this section creates a process for that fine to be imposed.

Section 4: Effective Date.

**JUSTIFICATION:** The majority of reports to the Statewide Central Register are determined to be “unfounded.” A major contributing factor to this is intentional false reports to the state central registry. These false reports are thought to often be from persons:

- Who make false reports maliciously and with intent to harass, embarrass, or harm another person;
- Who seek a personal benefit, including in some instances a financial benefits the result of a false report; and/or
- Who seek an advantage in a legal proceeding such as a custody, divorce or child abuse or neglect proceeding.

In addition, a number of false reports are believed to come from one person who makes repeated false reports. These reports cause resources to needlessly be spent investigating these false allegations, reducing the time workers can spend on legitimate reports. This unnecessarily harms people who are named in a report, including the child who must be interviewed as part of an investigation.

The current level of criminal penalties is not sufficient to create deterrence from false reporting

**Bill Number 5**  
**False Reports - Penal**

of incidents of abuse and neglect of a child or vulnerable person. By creating an enhanced class E felony while retaining the current class A Misdemeanor, it is expected that the incidents of false reporting will be reduced and that district attorneys throughout New York State will have a more substantial set of tools to use in aggravated cases of false reporting.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Positive to New York State and local public welfare agencies as there will likely be fewer false reports of suspected abuse or neglect of a vulnerable person.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 5**  
**False Reports - Penal**

AN ACT to amend the penal law, in relation to false allegations of suspected child abuse and maltreatment.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 240.55 of the penal law, is amended by adding new subdivisions 4 and 5 to read as follows:

4. Makes two or more reports, by word or action, of an alleged occurrence or condition of child abuse or maltreatment or abuse or neglect of a vulnerable person which did not in fact occur or exist to:

(a) the statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law or the vulnerable persons' central register as defined in article eleven of such law, or

(b) any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section four hundred thirteen of the social services law or to report cases of suspected abuse or neglect of a vulnerable person pursuant to section four hundred ninety-one of such law, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register or vulnerable persons' central register.

5. Makes one or more reports, by word or action, of an alleged occurrence or condition of child abuse or maltreatment or abuse or neglect of a vulnerable person which did not in fact occur or exist where the person making the report did so for one of the following purposes:

a. to harm another person; or

b. to obtain a financial or other personal benefit; or

c. to gain an advantage in any proceeding including but not limited to a divorce proceeding, child custody proceeding or child abuse or neglect proceeding, to:

(a) the statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law or the vulnerable persons' central register as defined in article eleven of such law, or

(b) any person required to report cases of suspected child abuse or maltreatment pursuant to subdivision one of section four hundred thirteen of the social services law or to report cases of suspected abuse or neglect of a vulnerable person pursuant to section four hundred ninety-one of such law, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register or vulnerable persons' central register.

S 2. Subdivision 14 of Section 422 of the Social Services Law is amended to read as follows:

14. The Department shall refer suspected cases of falsely reporting child abuse and

**Bill Number 5**  
**False Reports - Penal**

maltreatment in violation of section 240.50 or 240.55 of the penal law to the appropriate law enforcement agency or district attorney.

S 3. Section 422 of the Social Services Law is amended by adding a new subdivision 15 to read as follows:

15. (a) In addition to any other penalty authorized by sections 240.50 or 240.55 of the penal law, the office may impose a fine, not to exceed \$10,000 for each violation, upon a person who knowingly and willfully makes a false report of abuse or maltreatment of a child, or a person who counsels another to make a false report.

(b) If the office of children and family services alleges that a person has filed a false report with the statewide central register of child abuse and maltreatment, the office must file a Notice of Intent which alleges the name, age, and address of the individual, the facts constituting the allegation that the individual made a false report, and the administrative fine the office proposes to impose on the person. Each time that a false report is made constitutes a separate violation.

(c) The Notice of Intent to impose the administrative fine must be served upon the person alleged to have filed the false report and the person's legal counsel, if any. Such Notice of Intent must be given by certified mail, return receipt requested.

(d) Any person alleged to have filed the false report is entitled to a fair hearing before the imposition of the fine becomes final. The person must request a fair hearing within 60 days after receipt of the Notice of Intent by filing a request with the office. Failure to request a fair hearing within 60 days after receipt of the Notice of Intent constitutes a waiver of the right to a hearing, making the administrative fine final.

(e) At the fair hearing, the office must prove by a preponderance of the evidence that the person filed a false report with the statewide central register. The fair hearing officer shall advise any person against whom a fine may be imposed of that person's right to be represented by counsel at the fair hearing.

(f) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

(i) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.

(ii) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.

(iii) Any previous false reports filed by the same individual.

(j) A decision by the office, following the fair hearing, to impose a fine for filing a false report constitutes final agency action. Notice of the imposition of the fine must be served upon the person and the person's legal counsel, by certified mail, return receipt requested.

(k) All amounts collected under this section shall be deposited into an appropriate trust fund.

(l) A person who is determined to have filed a false report of abuse or maltreatment is not entitled to confidentiality. Subsequent to the conclusion of all proceedings concerning the filing of a false report, the name of the false reporter and the nature of the false report shall be made public. Such information shall be admissible in any civil or criminal proceeding.

(m) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

**Bill Number 5**  
**False Reports - Penal**

S 4. This act shall take effect immediately.

**Bill Number 6**  
**False Reports - Civil**

**TITLE OF BILL:** An act to amend the social services law, in relation establishing a civil penalty for making false allegations of suspected abuse or neglect of a child.

**PURPOSE OF BILL:** This bill establishes a civil penalty against a person who intentionally makes a false report of an alleged occurrence of child abuse or maltreatment.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the of the bill amends section 422 of the Social Services Law by adding a new subdivision 15 to allow the Office of Children and Family Services or a local child protective services to seek, and for a hearing officer to impose, a fine, not to exceed \$5,000 for a first violation and up to \$10,000 for a second and subsequent violations upon a person who knowingly and willfully makes a false report of abuse or maltreatment of a child, or a person who counsels another to make a false report. In addition, this section creates a process for that fine to be imposed.

Section 2: Effective Date.

**JUSTIFICATION:** The majority of reports to the Statewide Central Register are determined to be “unfounded.” A major contributing factor to this is intentional false reports to the state central registry. These false reports are thought to often be from persons

- Who make false reports maliciously and with intent to harass, embarrass, or harm another person;
- Who seek a personal benefit, including in some instances a financial benefits the result of a false report;
- Who seek an advantage in a legal proceeding such as a custody, divorce or child abuse or neglect proceeding.

In addition a number of false reports are believed to come from the same person who makes repeated false reports. These events cause resources to needlessly be spent investigating these allegations, reduces the time workers can spend on legitimate reports and unnecessarily harms people who are named in a report including the child, children or vulnerable person who must be interviewed as part of an investigation.

The current level of penalties is not sufficient to create deterrence from false reporting of incidents of abuse and neglect of a child or vulnerable person. The potential imposition of a civil penalty that may be commenced by the office of children and families or by a local child protective service that can be enforced through administrative processes will create a greater deterrent and more effective enforcement method than is now available in the Section 240.50 of the penal law.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county’s Commissioner of Social Services to improve the provision of child protective services to New York’s children and families.

**FISCAL IMPLICATIONS:** Positive to New York State and local public welfare agencies as

**Bill Number 6**  
**False Reports - Civil**

there will likely be fewer false reports of suspected abuse or neglect of children.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 6**  
**False Reports - Civil**

AN ACT to amend the social services law, in relation to false allegations of suspected child abuse and maltreatment.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

S 1. Section 422 of the Social Services Law is amended by adding a new subdivision 15 to read as follows:

15. (a) In addition to criminal penalties authorized by Article 240 of the penal law, the office of children and families or a local child protective services acting through its commissioner, may seek a civil penalty against any person who by word or action knowingly or willfully makes a report to the statewide central register of child abuse and maltreatment or makes a report to any person required to report suspected child abuse or maltreatment pursuant to section four hundred thirteen of this title knowing that the person is required to report such case, of an alleged occurrence of child abuse or maltreatment which said person knew did not in fact occur or exist.

(b) The maximum civil penalty is five thousand dollars for the first occurrence and ten thousand dollars for each subsequent occurrence. Each false report constitutes a separate violation.

(c) If the office of children and family services or a local child protective services alleges that a person has made a false report with the statewide central register of child abuse and maltreatment, the office or service must notify such person that a hearing will be held to determine if a violation of paragraph (a) of this subdivision has occurred. The person shall be given a full statement of the allegations against him or her, a notice that a hearing will be held in front of a neutral fact finder who shall be appointed by the office of children and families or the local child protective services, that they have a right to be represented by counsel, to present evidence and to cross exam any witnesses against them and the right to appeal any decision through a fair hearing. A full record of any proceeding shall be made. Notice of such allegations and of the hearing shall be served upon any such person by personal service, by prominently placing such notice upon the persons door and mailing the notice by first class mail, or through certified mail, return receipt requested to the person's last known address. The office or district must establish by a preponderance of the evidence that a violation of paragraph (a) of this section occurred.

(d) In determining the amount of fine to be imposed, if any, the following factors shall be considered:

- (i) The gravity of the violation, including the probability that serious physical or emotional harm to any person will result or has resulted, the severity of the actual or potential harm, and the nature of the false allegation.
- (ii) Actions taken by the false reporter to retract the false report as an element of mitigation, or, in contrast, to encourage an investigation on the basis of false information.
- (iii) Any previous false reports filed by the same individual.

(e) A person who is determined to have filed a false report of abuse or maltreatment is not entitled to confidentiality otherwise required for all information contained in the central register.

**Bill Number 6**  
**False Reports - Civil**

Subsequent to the conclusion of all proceedings where it is determined that a false report was filed, the name of the false reporter and the nature of the false report may be made public in whole or in part. Such information shall be admissible in any civil or criminal proceeding.

(f) Any person making a report who is acting in good faith is immune from any liability under this section and shall continue to be entitled to have the confidentiality of their identity maintained.

S 2. This act shall take effect immediately.

**Bill Number 7**  
**Mandated Reporter Refresher**

**TITLE OF BILL:** An act to amend the educational law, in relation to coursework or training from an institution or provider approved to provide such coursework or training regarding the identification and reporting of child abuse and maltreatment.

**PURPOSE OF BILL:** This bill requires mandated reporters to receive coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends paragraph (a) of subdivision 3 of section 6507 of the education law. Physicians, chiropractors, dentists, registered nurses, podiatrists, optometrists, psychiatrists, psychologists, licensed master social workers, licensed clinical social workers, licensed creative arts therapists, licensed marriage and family therapists, licensed mental health counselors, licensed psychoanalysts, dental hygienists, licensed behavior analysts, or certified behavior analyst assistants would be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment as part of their educational requirements to obtain a license to practice their profession. This bill adds to those requirements that such licensed professional must receive an additional two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.

Section 2 of the bill amends subdivision 4 of section 3003 of the education law. School superintendents would be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment as part of their educational requirements to obtain a license to be a school superintendent. This bill adds to those requirements that such superintendent must receive an additional two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.

Section 3 of the bill amends subdivision 2 of section 3004 of the education law. Teachers would be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment years as part of their educational requirements to obtain a license to be a school teacher. This bill adds to those requirements that such teacher must receive an additional two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.

Section 4 of the bill amends section 3007 of the education law. Teachers who have a diploma or certificate from another state would be required to complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment as part of their educational requirements to obtain a license to be a school teacher in New York State. This bill adds to those requirements that such teacher must receive an additional two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment every three years.

Section 5 of the bill amends section 413 of the social services law by requiring every person and official named in the section required to report cases of suspected child abuse or maltreatment complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment prior to assumption of the position and every three years thereafter. It

**Bill Number 7**  
**Mandated Reporter Refresher**

also requires the office of children and family services to approve and/or establish the required coursework and training.

Section 6: Effective Date.

**JUSTIFICATION:**

The current training for mandated reporters is inadequate, as evidenced by the high number of allegations of child abuse or neglect to be determined to be “unfounded.” In addition to a problem with false-negatives, it is believed that there is a significant issue with under-reporting where there is a sufficient suspicion of child maltreatment, but the mandated reporters do not report. Child protection workers then are required to investigate reports that should not have been reported, and not investigate incidences where maltreatment is occurring.

This bill will require mandated reporters to take a refresher course every three years. It is expected that this additional training will result in improved reporting.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county’s Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Mandated reporters would be required to spend two hours of their time every three years to complete the course. It is expected that this training will be part of the continuing education and in-service training that now takes place for most professions.

**EFFECTIVE DATE:** This act shall take effect one year after it shall have become a law.

**Bill Number 7**  
**Mandated Reporter Refresher**

AN ACT to amend the educational law, in relation to coursework or training regarding the identification and reporting of child abuse and maltreatment.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (a) of subdivision 3 of section 6507 of the education law, as amended by chapter 356 of the laws of 2006, is amended to read as follows:

(a) Establish standards for preprofessional and professional education, experience and licensing examinations as required to implement the article for each profession. Notwithstanding any other provision of law, the commissioner shall establish standards requiring that all persons applying, on or after January first, nineteen hundred ninety-one, initially, or for the renewal of, a license, registration or limited permit to be a physician, chiropractor, dentist, registered nurse, podiatrist, optometrist, psychiatrist, psychologist, licensed master social worker, licensed clinical social worker, licensed creative arts therapist, licensed marriage and family therapist, licensed mental health counselor, licensed psychoanalyst, dental hygienist, licensed behavior analyst, or certified behavior analyst assistant shall, in addition to all the other licensure, certification or permit requirements, and every three years thereafter, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Such coursework or training may also include information regarding the physical and behavioral indicators of the abuse of individuals with mental retardation and other developmental disabilities and voluntary reporting of abused or neglected adults to the office of mental retardation and developmental disabilities or the local adult protective services unit. Each applicant shall provide the department with documentation showing that he or she has completed the required training. The department shall provide an exemption from the child abuse and maltreatment training requirements to any applicant who requests such an exemption and who shows, to the department's satisfaction, that there would be no need because of the nature of his or her practice for him or her to complete such training;

S 2. Subdivision 4 of section 3003 of the education law is amended to read as follows:

4. Notwithstanding any other provision of law, the commissioner shall require that any person applying, on or after January first, nineteen hundred ninety-one, for a superintendent's certificate shall, in addition to all the other requirements, and every three years thereafter, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse

**Bill Number 7**  
**Mandated Reporter Refresher**

and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 3. Subdivision 2 of section 3004 of the education law is amended to read as follows:

2. Notwithstanding any other provision of law, the commissioner shall prescribe regulations requiring that all persons applying, on or after January first, nineteen hundred ninety-one, for a certificate or license to be a teacher shall, in addition to all the other certification or licensure requirements, and every three years thereafter, have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such coursework or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 4. Subdivision 2 of section 3007 of the education law is amended to read as follows:

2. A certificate issued by the chief educational officer or state board of another state. Such endorsement confers on the holder of such diploma or certificate the privileges conferred by law on the holder of the diploma of a state teachers college or state college for teachers or state certificate issued in this state. Notwithstanding any other provision of law, the commissioner shall require that any person seeking endorsement of a foreign certificate or diploma, on or after January first, nineteen hundred ninety-one, and every three years thereafter, shall have completed two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training shall be obtained from an institution or provider which has been approved by the department to provide such course work or training. The coursework or training shall include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set out in sections four hundred thirteen through four hundred twenty of the social services law, including but not limited to, when and how a report must be made, what other actions the reporter is mandated or authorized to take, the legal protections afforded reporters, and the consequences for failing to report. Each applicant shall provide the department with documentation showing that he or she has completed the required training.

S 5. Section 413 of the social services law is amended by adding a new subdivision 1-a to read as follows:

**Bill Number 7**  
**Mandated Reporter Refresher**

1-a. (a) every person and official required to report child abuse or maltreatment, pursuant to subdivision one of this section, shall, prior to assumption of the position which requires such reporting, and every three years thereafter, complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment; provided that every person and official holding such a position on or before the effective date of this paragraph shall, and every three years thereafter, complete such coursework or training within one year of the effective date of this subdivision.

(b) except as otherwise provided by the education law, the office of children and family services shall approve and/or establish the coursework and training required to implement the provisions of this subdivision. Such coursework and training shall be developed so that it can be offered through various means including, but not limited to, internet based courses and teleconferences.

S 5. This act shall take effect one year after it shall have become a law.

**Bill Number 8**  
**Class D Felony**

**TITLE OF BILL:** An act to amend the penal code, in relation to endangering the welfare of a child in the first and second degrees.

**PURPOSE OF BILL:** This bill establishes a Class D violent felony offense for endangering the welfare of a child in certain aggravated circumstances.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends the Section 260.10 of the Penal Law to rename the current crime of “Endangering the welfare of a child” to “Endangering the welfare of a child in the second degree.”

Section 2 of the bill renumbers Section 260.11 of the Penal Code to Section 260.12.

Section 3 of the bill adds a new Section 260.11 of the Penal Code to create the crime of endangering the welfare of a child in the first degree which is a Class D felony.

Sections 4, 5 and 6 of the bill makes changes to the definition of a violent felon (Section 70.02(c)), corroboration requirements (Section 260.12) and a defense related to religious beliefs (Section 260.15) that are required to conform the new Section 260.11 of the Penal Law to existing provision of such law.

Section 7: Effective Date.

**JUSTIFICATION:**

The penal law only provides a misdemeanor crime for endangering the welfare of a child. This bill creates a felony crime of endangering the welfare of a child in certain aggravated circumstances.

This bill recognizes the inherent vulnerability of children and the solemn responsibility of a society to assure the welfare of its children. It recognizes that abuse and maltreatment of a child which knowingly or recklessly creates a risk of either serious physical injury or prolonged impairment is a more serious crime and deserves a harsher penalty than a misdemeanor. It also recognizes that persons who repeat the offense of endangering the welfare of a child should be treated more harshly since they have committed a more serious crime when they continue to endanger the same or a different child.

The period of incarceration will be increased from a maximum of one year imprisonment for a class A misdemeanor to a maximum of seven years for a class D felony.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county’s Commissioner of Social Services to improve the provision of child protective services to New York’s children and families.

**FISCAL IMPLICATIONS:** Minimal.

**Bill Number 8**  
**Class D Felony**

**EFFECTIVE DATE:** This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

**Bill Number 8**  
**Class D Felony**

AN ACT to amend the penal code, in relation to in relation to endangering the welfare of a child in the first and second degrees.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 260.10 of the penal law, as amended by chapter 447 of the laws of 2010, is amended to read as follows:

S 260.10 Endangering the welfare of a child in the second degree.

A person is guilty of endangering the welfare of a child in the second degree when:

1. He or she knowingly acts in a manner likely to be injurious to the physical, mental or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his or her life or health; or
2. Being a parent, guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming an "abused child," a "neglected child," a "juvenile delinquent" or a "person in need of supervision," as those terms are defined in articles ten, three and seven of the family court act.
3. A person is not guilty of the provisions of this section when he or she engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.

Endangering the welfare of a child in the second degree is a class A misdemeanor.

S 2. Section 260.11 of the penal law is renumbered section 260.12.

S 3. The penal law is amended by adding a new section 260.11 to read as follows:

S 260.11 Endangering the welfare of a child in the first degree.

A person is guilty of endangering the welfare of a child in the first degree when:

1. He or she knowingly acts in a manner which creates a risk of either serious physical injury or prolonged impairment of the physical, mental or moral welfare condition of a child less than seventeen years old; or
2. He or she recklessly acts in a manner which creates a risk of either serious physical injury or

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prolonged impairment of the physical, mental or moral welfare condition of a child less than seventeen years old; or

3. He or she commits the crime of endangering the welfare of a child in the second degree and when:

(A) The child suffered physical injury; or

(B) He or she has previously been convicted of endangering the welfare of a child in the second degree as defined in section 260.10 or endangering the welfare of a child in the first degree as defined in this section.

Endangering the welfare of a child in the first degree is a class D felony.

S 4. Paragraph (c) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 405 of the laws of 2010, is amended to read as follows:

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); reckless assault of a child as defined in section 120.02, assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, strangulation in the second degree as defined in section 121.12, rape in the second degree as defined in section 130.30, criminal sexual act in the second degree as defined in section 130.45, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, facilitating a sex offense with a controlled substance as defined in section 130.90, endangering the welfare of a child in the first degree as defined in section 260.11, criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

S 5. Section 260.12 of the penal law, as amended by chapter 89 of the laws of 1984 and renumbered by section two of this act, is amended to read as follows:

S 260.12 Endangering the welfare of a child; corroboration.

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A person shall not be convicted of endangering the welfare of a child as defined in section 260.10 or 260.11 of this article, or of an attempt to commit the same, upon the testimony of a victim who is incapable of consent because of mental defect or mental incapacity as to conduct that constitutes an offense or an attempt to commit an offense referred to in section 130.16, without additional evidence sufficient pursuant to section 130.16 to sustain a conviction of an offense referred to in section 130.16, or of an attempt to commit the same.

S 6. Section 260.15 of the penal law, as amended by chapter 447 of the laws of 2010, is amended to read as follows:

S 260.15 Endangering the welfare of a child; defense.

In any prosecution for endangering the welfare of a child, pursuant to section 260.10 or 260.11 of this article, based upon an alleged failure or refusal to provide proper medical care or treatment to an ill child, it is an affirmative defense that the defendant (a) is a parent, guardian or other person legally charged with the care or custody of such child; and (b) is a member or adherent of an organized church or religious group the tenets of which prescribe prayer as the principal treatment for illness; and (c) treated or caused such ill child to be treated in accordance with such tenets.

S 7. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

**Bill Number 9**  
**Transmit Critical Information**

**TITLE OF BILL:** An act to amend the social services law, in relation to transmitting certain information to the local child protective service.

**PURPOSE OF BILL:** This bill would require the office of children and family services to determine and then notify the appropriate local child protective service if the subject of an allegation of child abuse or maltreatment is the operator of a licensed day care or similar facility, or if any person named in a report is a known sex offender or to have previously been the subject of an indicated report of abuse or neglect.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends Section 422 of the Social Services Law to require the office of children and family services to determine and then notify the appropriate local child protective services if the subject of an allegation of child abuse or maltreatment is the operator of a licensed day care or similar facility, or if any person named in a report is a known sex offender or to have previously been the subject of an indicated report of abuse or neglect. This information would be transmitted to the local district when the report is transmitted to the local child protective services for investigation.

Section 2: Effective Date.

**JUSTIFICATION:** In addition to operating the statewide central register, the Office of Child and Family Services also licenses and registers child care providers. Often, the operator of a child care facility will be the subject of an allegation of child abuse or neglect and the local district will be unaware. The subject of the child abuse or neglect allegation will continue to operate the child care facility unimpeded, putting the children at risk. This legislation would require the Office of Child and Family Services inform the local district immediately if a subject of an allegation of child abuse or maltreatment is the operator of a child care facility.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 9**  
**Transmit Critical Information**

AN ACT to amend the social services law, in relation to transmitting certain information to the local child protective service.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (a) of subdivision 2 of section 422 of the social services law is amended to read as follows:

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, such allegations shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report, or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) 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, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation. The office of children and family services shall immediately determine and then notify the appropriate local child protective services if a subject of an allegation of child abuse or maltreatment is the operator of a licensed or registered child care facility, or any similar facility that receives funding pursuant to title 5-C of article 6 of the social services law, or if any person named in a report is a known sex offender or to have previously been the subject of an indicated report of abuse or neglect. Such notice to the local child protective services shall take place at the time that the

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**Transmit Critical Information**

office of children and family services transmits the report of suspected child abuse or neglect required by this section.

S 2. This act shall take effect immediately.

**Bill Number 10**  
**Informal Child Care**

**TITLE OF BILL:** An act to amend the social services, in relation to allowing social service districts to prohibit informal daycare providers with an indicated report on file with the statewide central register or a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence.

**PURPOSE OF BILL:** This bill allows social services districts to prohibit informal child care providers who are the subject of a report of child abuse or maltreatment on file with the statewide central registry, or have a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense, from receiving funds as part of the child care block grant program.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends section 410-x of the Social Services Law by adding subdivisions 9 and 10.

- Subdivision 9 allows local social services districts to prohibit informal child care providers who are the subject of an indicated report on file with the statewide central register from providing child care services funded under the block grant.
- Subdivision 10 allows local social services districts to prohibit informal child care providers who have a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense from providing child care services funded under the block grant.

Section 2: Effective Date.

**JUSTIFICATION:**

Social Services law currently requires that operators of a licensed or registered child day care provider have their criminal history background checked, as well as statewide central register clearance. There is not a similar statute for informal providers (legally-exempt family child care and legally-exempt in-home care) funded by the New York State Child Care Block Grant (NYCCBG). NYCCBG, funded by taxpayer dollars, should not support child care from providers who have an indicated report on file with the statewide central register or have a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense. These criteria are similar to what licensed or registered child day care providers have currently in place.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Increased costs related to background checks.

**EFFECTIVE DATE:** This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

**Bill Number 10**  
**Informal Child Care**

**AN ACT** to amend the social services, in relation to allowing social service districts to prohibit informal daycare providers with an indicated report on file with the statewide central register or a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

S 1. Section 410-x of the Social Services Law is amended by adding new sections 9 and 10 to read as follows:

9. Social services districts may forbid any person not required to be licensed or registered under section three hundred ninety of this article who is the subject of an indicated report on file with the statewide central register from providing child care assistance funded under the block grant.

10. Social services districts may forbid any person not required to be licensed or registered under section three hundred ninety of this article with a felony conviction at any time for a sex offense, crime against a child, or a crime involving violence, or a felony conviction within the past five years for a drug-related offense from providing child care assistance funded under the block grant.

S 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law.

**Bill Number 11**  
**Connections**

**TITLE OF BILL:** An act to amend the social services law, in relation to storing images and documents in the statewide automated child welfare information system.

**PURPOSE OF BILL:** This legislation would require the statewide automated child welfare information system be capable of storing images and documents.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill would require the statewide automated child welfare information system be capable of storing images and documents.

Section 2: Effective Date.

**JUSTIFICATION:**

New York State implemented the statewide automated child welfare information system as the result of a 1993 federal law. When the original contracts for the system were announced in 1996, Windows 95 had just come out, which included the first version of Internet Explorer. Even during that period of low expectations for information technology, the statewide automated child welfare information system, CONNECTIONS, was a disappointment to end-users. The system was too difficult to use and navigate. CONNECTIONS has only received limited upgrades since that time. As a result - many social services districts have developed parallel systems to meet their basic needs, such as storing images and documents.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Unknown

**EFFECTIVE DATE:** This act will take effect on January 1, 2016.

**Bill Number 11**  
**Connections**

**AN ACT** to amend the social services law, in relation to storing images and documents in the statewide automated child welfare information system.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 422 of the social services law is amended by adding a new subdivision 3 to read as follows:

3. The statewide automated child welfare information system shall be capable of storing images and documents.

S2. This act shall take effect on January 1, 2016.

## **Bill Number 12**

### **Record Calls**

**TITLE OF BILL:** An act to amend the social services law in relation to technological improvements to the statewide central register.

**PURPOSE OF BILL:** This bill would improve child welfare investigations by improving the central Register. It would require calls made to the central register be recorded and such recording made part of any report of suspected child abuse and neglect. The voice recording would be transmitted to the appropriate local child protective services for investigation.

#### **SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill would require certain improvements to the central register be made by January 1, 2016. It would require calls made to the central register be recorded and such recording made part of any report of suspected child abuse and neglect. The voice recording would be transmitted as part of the record of an allegation of child abuse and neglect to the appropriate local child protective services for investigation.

Section 2: Effective date.

**JUSTIFICATION:** The central register was established to encourage more complete reporting of child abuse and maltreatment as part of the Child Protective Services Act of 1973. There have been few enhancements to the system in the 40 years since. This legislation will require calls made to the central register be recorded and transmitted as part of the record of an allegation of child abuse and neglect to the appropriate local child protective services for investigation. These improvements will make it easier for child protection workers to investigate reports made to the Register.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** The office of children and families would be required to invest resources into improvements to the central Register.

**EFFECTIVE DATE:** This act shall take effect on January 1, 2016.

**Bill Number 12**

**Record Calls**

AN ACT to amend the social services law, in relation to technological improvements to the central Register.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Subdivision 2 of section 422 of the social services law is amended by adding a new subdivision a-1 to read as follows:

2. (a)-1 Notwithstanding any provision of law to the contrary, no later than January 1, 2016, the office of children and families services as part of the central register shall:

(i.) record all voice calls made to the central register and shall make such recording a part of any report of suspected child abuse or neglect;

(ii.) immediately transmit such voice recording as part of the record of an allegation of child abuse and neglect to the appropriate local child protective services for investigation;

(iii.) maintain recordings of any call that did not constitute a report of abuse or neglect for at least two years and any call that did constitute a report of abuse or neglect for at least five years.

S2. This act shall take effect on January 1, 2016.

## **Bill Number 13**

### **Call and report history**

**TITLE OF BILL:** An act to amend the social services law, in relation to transmitting the history of record of all previous reports and previous calls to the central registry to the appropriate local child protective service for investigation.

**PURPOSE OF BILL:** This bill would require the office of children and family services to transmit, with the allegation of child abuse or neglect, all previous reports and calls to the central registry involving the subject of the report and children named in the report.

#### **SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends Paragraph (a) of Subdivision 2 of Section 422 of the Social Services law to require the office of children and family services, when it transmits a new report of child abuse and maltreatment to a child protective agency for investigation, to include in such transmittal all previous reports and calls involving the subject of the report and children named in the report including reports of allegations of child abuse or maltreatment.

Section 2: Effective date.

**JUSTIFICATION:** Local child protective service agencies are required to investigate calls placed to the central registry which contain an allegation which could reasonably constitute a report of child abuse or maltreatment. In order to investigate the case, child protective workers must review the history of reports made to the central registry involving the subject of the report and children named in the report. It would be appropriate that the office of children and family services provide those records since they are the keeper of those records. Additionally, local child protective service agencies do not have access to full records out of their jurisdiction, requiring the agency to request information from other child protective agencies. Since the office of children and family services has access to all records in New York State, they should provide those records in order to ensure child protective agencies have the necessary information to protect children at the start of the investigation. This work, currently done by local child protective services agencies, would give workers more time to do more field work.

The legislation also requires all previous calls placed to the central registry be transmitted to the local child protective service agency. Often, calls placed to the central registry are not transmitted to the local child protective service agency because they do not contain an allegation which could not reasonably constitute a report of child abuse or maltreatment. However, if a later allegation was made which could reasonably constitute a report of child abuse or maltreatment, a more thorough investigation could be conducted with that information. Access to previous calls may result in child protective workers consulting collateral contacts they may not have otherwise, or asking the subject of the report or child named in the report questions they may not have otherwise.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**Bill Number 13**  
**Call and report history**

**EFFECTIVE DATE:** This act shall take effect immediately.

## Bill Number 13

### Call and report history

**AN ACT** to amend the social services law, in relation to transmitting the history of record of all previous reports and previous calls to the central registry to the appropriate local child protective service for investigation.

### **THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (a) of Subdivision 2 of Section 422 of the Social Services law, is amended to read as follows:

(a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, such allegations and the record of all previous reports and calls, including records of calls not accepted for local district investigation, to the central registry involving the subject of the report or children named in the report, including all previous calls that contain allegations of child abuse and maltreatment that are alleged to have occurred in other counties and districts in New York State, shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) an allegation of an abused child described in paragraph (i), (ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) 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, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

**Bill Number 13****Call and report history**

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

**Bill Number 14**  
**SCR Improvements**

**TITLE OF BILL:** An act to amend the social services law in relation to improvements in the state central register of child abuse and maltreatment.

**PURPOSE OF BILL:** To require the state central register of child abuse and maltreatment be modernized to provide for the receipt of allegations of child abuse and maltreatment through modern electronic means.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends section 422 of the Social Services Law is amended to require the statewide central register to:

- Receive allegations of child abuse and maltreatment by internet reporting in addition to the traditional telephone reporting method;
- Receive photographs in electronic format and include such photographs in the official report;
- Establish an internet address to receive allegations of child abuse or maltreatment in addition to the statewide telephone number.

Section 2: Effective date.

**JUSTIFICATION:**

The technology of the statewide central register (“SCR”) has fallen far behind technology now commonly in use by the public. These modernizations will allow for more rapid, complete and accurate communication to the SCR of allegations and the progress of investigations. These tools are increasingly expected by the public.

This bill will require the SCR to allow citizens to upload images of abused or neglected children showing their injuries, their living conditions and other circumstances relevant to prosecute or exonerate the subject of a report.

Those who make allegations of abuse or neglect and those who investigate a report should find it as easy as uploading a photograph to a social media website when they act to protect children.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county’s Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Unknown

**EFFECTIVE DATE:** This act shall take effect on January 1, 2016.

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**Bill Number 14**  
**SCR Improvements**

**AN ACT** to amend the social services law in relation to improvements in the state central register of child abuse and maltreatment.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 422 of the social services law is amended to read as follows:

§ 422. Statewide central register of child abuse and maltreatment.

1. There shall be established in the office of children and family services a statewide central register of child abuse and maltreatment reports made pursuant to this title.

2. (a) The central register shall be capable of receiving telephone calls and electronic reports alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number and internet address that all persons, whether mandated by the law or not, may use to make telephone calls or send electronic communications alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number and internet address, there shall be a special unlisted express telephone number, and a telephone facsimile number and internet address for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile or electronic information on a form provided by the commissioner, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. The webpage created to accept electronic reports shall be capable of receiving digital images and electronic documents in common file formats. When any allegations contained in such telephone calls or electronic report could reasonably constitute a report of child abuse or maltreatment, such allegations shall be immediately transmitted orally or electronically by the office of children and family services to the appropriate local child protective service for investigation. The inability of the person calling the register or making the allegation online to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) an allegation of an abused child described in paragraph (i),(ii) or (iii) of subdivision (e) of section one thousand twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant

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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, the office of children and family services shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation.

(b) Any telephone call or electronic report made by a person required to report cases of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this chapter containing allegations, which if true would constitute child abuse or maltreatment shall constitute a report and shall be immediately transmitted orally or electronically by the department to the appropriate local child protective service for investigation.

(c) Whenever a telephone call or electronic report to the statewide central register described in this section is received by the department, and the department finds that the person allegedly responsible for abuse or maltreatment of a child cannot be a subject of a report as defined in subdivision four of section four hundred twelve of this chapter, but believes that the alleged acts or circumstances against a child described in the telephone call may constitute a crime or an immediate threat to the child's health or safety, the department shall convey by the most expedient means available the information contained in such telephone call to the appropriate law enforcement agency, district attorney or other public official empowered to provide necessary aid or assistance.

3. The central register shall include but not be limited to the following information: all the information in the written and electronic report; a record of the final disposition of the report, including services offered and services accepted; the plan for rehabilitative treatment; the names and identifying data, dates and circumstances of any person requesting or receiving information from the register; and any other information which the commissioner believes might be helpful in the furtherance of the purposes of this chapter.

Section 2. This Act shall take effect January 1, 2016.

**Bill Number 15**  
**Restoring State Share**

**TITLE OF BILL:** An act to amend the social services law, in relation to funding for children and family services.

**PURPOSE OF BILL:** This bill removes the requirement that the sixty-five percent state reimbursement by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies be subject to the approval of the director of the budget.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends paragraph (a) of subdivision 1 of section 153-k of the social services law by removing the requirement that the sixty-five percent state reimbursement by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies be subject to the approval of the of the director of the budget.

Section 2: Effective date.

**JUSTIFICATION:**

New York State law reads that local social services districts receive sixty-five percent state reimbursement for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies be subject to the approval of the director of the budget subject to the approval of the director of the budget. Currently, local social services districts receive sixty-two percent state reimbursements. These services are critically important and deserve to be supported at least to the level approved in statute. In order to remove discretion and conform to the intent of the law, this legislation would require sixty-five percent state reimbursements for child protective services and have it not be subject to any official's judgment.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** New York State would spend 4.84% more annually these services.

**EFFECTIVE DATE:** This act shall effect on the first of April next succeeding the date on which it shall have become a law.

**Bill Number 15**  
**Restoring State Share**

**AN ACT** to amend the social services law, in relation to funding for children and family services.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (a) of Subdivision 1 of Section 153-k of the Social Services law, is amended to read as follows:

(a) Expenditures made by social services districts for child protective services, preventive services provided, as applicable, to eligible children and families of children who are in and out of foster care placement, independent living services, aftercare services, and adoption administration and services other than adoption subsidies provided pursuant to article six of this chapter and the regulations of the ~~department office of children and family assistance services~~ shall, if approved by the office of children and family services, be subject to sixty-five percent state reimbursement exclusive of any federal funds made available for such purposes, in accordance with the directives of the ~~department office of children and family assistance services~~ and subject to the approval of the director of the budget.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

**Bill Number 16**  
**Fatality Report**

**TITLE OF BILL:** An act to amend the social services law, in relation to history of prior to death within fatality report.

**PURPOSE OF BILL:** This bill would require fatality reports to only include information related to a child's death and, at the discretion of the local district, the local district's response to the report.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 amends paragraph (b) of subdivision 5 of section 20 of the Social Services law to only include information relevant to in the child fatality report in the child's death. It also requires the inclusion, at the discretion of the local district, the local district's response within the report.

Section 2: Effective date.

**JUSTIFICATION:** The current fatality report includes information not related to the child's death which does not add value, such as if they were a recipient of a public assistance program. This information distracts from the purpose of the report. Limiting information related to the child's death will create a report which fills the need of having a report that helps create a better child protective system while maintaining the privacy of families grieving the loss of a child.

The fatality report is written by the office of child and family services. The local district has an opportunity to respond to the report before it is finalized. However, that response is not included within the final report. The final report should include the response of the local district in order to have a complete picture of the events that occurred.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect 120 days after the date on which it shall have become a law.

**Bill Number 16**  
**Fatality Report**

AN ACT to amend the social services law, in relation to history of prior to death within fatality report.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Paragraph (b) of Subdivision 5 of Section 20 of the Social Services law, is amended to read as follows:

(b) Such report shall include only information related to the child's death and shall include (i) the cause of death, whether from natural or other causes, (ii) identification of those child protective or other services provided or actions taken regarding such child and his or her family as it relates to the child's death, (iii) any extraordinary or pertinent information concerning the circumstances of the child's death, (iv) whether the child or the child's family had received assistance, care or services from the social services district prior to such child's death but limited to those relevant to the child's death, (v) any action or further investigation undertaken by the department or by the local social services district since the death of the child death but limited to those relevant to the child's death, ~~and~~ (vi) as appropriate, recommendations for local or state administrative or policy changes, and, at the discretion of the local district, the local district's response to the report.

Such report shall contain no information that would identify the name of the deceased child, his or her siblings, the parent or other person legally responsible for the child or any other members of the child's household, but shall refer instead to the case, which may be denoted in any fashion determined appropriate by the department or a local social services district. In making a fatality report available to the public pursuant to paragraph (c) of this subdivision, the department may respond to a child specific request for such report if the commissioner determines that such disclosure is not contrary to the best interests of the deceased child's siblings or other children in the household, pursuant to subdivision five of section four hundred twenty-two-a of this chapter. Except as it may apply directly to the cause of the death of the child, nothing herein shall be deemed to authorize the release or disclosure to the public 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.

S 2. This act shall take effect 120 days after the date on which it shall have become a law.

**Bill Number 17**  
**Safe Sleeping**

**TITLE OF BILL:** An act to amend the public health law, in relation to requiring hospitals and birth centers to request each maternity patient and father of a newborn view a video presentation on safe sleeping practices for newborns.

**PURPOSE OF BILL:** This bill requires hospitals and birth centers to provide leaflets on safe and unsafe sleeping practices and to request each maternity patient and father of a newborn view a video presentation on unsafe and safe sleeping practices for newborns.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill amends Subdivision 1 to Section 2803-j of the Public Health Law by adding a new paragraph 1-d which requires hospitals and birth centers to distribute a leaflet prepared by the New York State Commissioner of Health that describes safe and unsafe sleeping practices and to provide certain statistical data regarding fatalities from unsafe sleeping practices.

Section 2 of the bill amends Section 2803-j of the public health law by adding a new subdivision 7 directs hospitals and birthing centers to request each maternity patient and father of a newborn view a video presentation prepared by the Commissioner of Health on safe sleeping practices for newborns and to make such video available to take home.

Both the leaflet and video required by these two amendments are to be prepared in languages that will best convey such information to the patients who frequent such hospital and birthing center.

Section 3: Effective Date.

**JUSTIFICATION:**

Deaths caused by babies being put in unsafe sleeping environments are 100% preventable. Over a hundred of these deaths occur in New York State each and every year. Six infant deaths in Erie County in January of 2014 are thought to be attributable to altered sleeping practices due to the extreme cold weather during the winter of 2013-2014. It is evident that parents are unaware of the dangers that unsafe sleep environments pose to their babies.

Requiring hospitals and birth centers to request each maternity patient and father of a newborn view receive a leaflet and to view a video presentation on safe sleeping practices for newborns would result in more parents becoming aware of the dangers from unsafe sleeping and taking prevent steps to prevent these avoidable tragedies from occurring. This will ultimately save lives as more parents will give their baby a safe sleeping environment.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** Minimal.

**EFFECTIVE DATE:** This act shall take on the one hundred twentieth day after it shall have become law.

**Bill Number 17**  
**Safe Sleeping**

**AN ACT** to amend the public health law, in relation to requiring hospitals and birth centers to request each maternity patient and father of a newborn view a video presentation on safe sleeping practices for newborns.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Subdivision 1 of Section 2803-j of the Public Health Law is amended by adding a new paragraph 1-d to read as follows:

1-d. The informational leaflet shall also include an explanation of unsafe sleeping practices including, but not limited to, the dangers of co-sleeping with a newborn, infant or child, the potential fatal consequences from such unsafe sleeping practices and recommended safe sleeping practices. The leaflet shall include statistics concerning the number of deaths of infants and children each year suspected or known to be caused by unsafe sleeping practices including the number of deaths from co-sleeping practices. The commissioner shall cause a sufficient number of such leaflets to be produced to allow parents of newborn children to take a leaflet home with them. The leaflet shall be made available in languages best designed to convey the information to the parents who receive maternity related services at such hospital or birthing center.

S 2. Section 2803-j of the public health law is amended by adding a new subdivision 7 to read as follows:

7. Every hospital and birth center shall request that each maternity patient and father of a newborn child, if available, view a video presentation, approved by the commissioner, on unsafe sleeping practices including, but not limited to, the dangers of co-sleeping with a newborn, infant or child, the potential fatal consequences from such unsafe sleeping practices and recommended safe sleeping practices. The video shall include statistics concerning the number of deaths of infants and children each year suspected or known to be caused by unsafe sleeping practices including the number of deaths from co-sleeping practices. After viewing such a video presentation or upon refusal to view such a video presentation, the hospital or birth center shall request that such patient and/or father sign a form stating that they have viewed or refused to view such video presentation. All training materials and forms required to implement the provisions of this subdivision shall be provided by the commissioner. The commissioner shall cause a sufficient number of such videos to be produced to allow parents of newborn children to take a video home with them. The format of the video shall be determined by the Commissioner but shall be available in the most commonly used electronic format in use from time to time and shall be made available in languages best designed to convey the information to the parents who receive maternity related services at such hospital or birthing center.

S 3. This act shall take on the one hundred twentieth day after it shall have become law.

**Bill Number 18**  
**Civil Service Test Prioritization**

**TITLE OF BILL:** An act to amend the civil service law, in relation to scheduling an examination for any position or positions in the classified services that provides child protection services pursuant to Title 6 of the social services law.

**PURPOSE OF BILL:** This bill would require the president of the state civil service commission to immediately announce, schedule, score, and certify the results of an examination for any position or positions in the classified services that provides child protection services pursuant to Title 6 of the social services law upon the written request of a municipal civil service commission or personnel officer.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 requires the president of the state civil service commission to immediately announce, schedule, score, and certify the results of an examination for any position or positions in the classified services that provides child protection services pursuant to Title 6 of the social services law upon the written request of a municipal civil service commission or personnel officer.

Section 2: Effective date.

**JUSTIFICATION:** Scheduling civil service examinations is a lengthy process that can often take longer than a year. There is currently no way for the state civil service commission to prioritize exams based on critical need. Instead, exams are held on a first come, first served basis. Often, critical jobs cannot be filled as a result of this queuing system because there is not an eligible list. Positions that provide child protection services are often one such job. This bill would require the president of the state civil service commission to immediately announce, schedule, score, and certify the results of an examination for any child protection position. This would allow local districts to quickly establish an eligible list for these critical positions.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 18**  
**Civil Service Test Prioritization**

**AN ACT** to amend the civil service law, in relation to scheduling an examination for any position or positions in the classified services that provides child protection services pursuant to Title 6 of the social services law.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Subdivision 4 of section 7 of the civil service law is amended to read as follows:

4. Subject to the provisions of this chapter and the rules established thereunder, he shall make regulations for and have control of examinations for the service of the state, and the civil divisions thereof, except civil divisions for which a municipal commission performs such function, and shall supervise and preserve the records thereof. Notwithstanding any provision of law to the contrary, upon the written request of a municipal civil service commission or personnel officer as applicable, where such local commission or personnel officer certifies the need for the immediate scheduling of an examination for any position or positions in the classified services that provides child protection services pursuant to Title 6 of the social services law, the president shall immediately announce, schedule, score, and certify the results of such examination. Such examination shall have priority over all other examinations that have been requested or are otherwise being scheduled. In no event shall the process of offering such examination take longer than 60 days. This provision shall be applicable notwithstanding the existence of an existing civil service list and notwithstanding the absence of currently vacant positions in such classified title or titles.

S 2. This act shall take effect immediately.

**Bill Number 19**  
**Good Faith Disclosure**

**TITLE OF BILL:** An act to amend the social services law, in relation to disclosure of information pertaining to a child abuse and neglect investigation.

**PURPOSE OF BILL:** This bill would prohibit prosecuting any city or county social services commissioner for disclosing information pertaining to a child abuse or maltreatment investigation if done so in good faith adherence to New York State law.

**SUMMARY OF PROVISIONS OF BILL:**

Section 1 of the bill adds a new paragraph 8 to Section 422-a of the Social Services Law to prohibit prosecuting any city or county social services commissioner for disclosing information pertaining to a child abuse or maltreatment investigation if done in good faith adherence to the standards contained in Section 422-a of such law.

Section 2: Effective Date.

**JUSTIFICATION:** Section 422-a of Social Services law provides criteria that, if met, allows a city or county social services commissioner to disclose information pertaining to a child abuse or maltreatment investigation.

In enacting Section 422-a in Section 1 of Chapter 12 of the Laws of 1996 the Legislature stated:

“Legislative Intent. The legislature finds that the deaths of children due to abuse, neglect and maltreatment, despite the involvement of government agencies charged with protecting children is intolerable and unacceptable, and finds equally unacceptable laws which bar legitimate and appropriate inquiries about activities of such agencies in these cases, for they frustrate the ability of the legislature to set informed policy and act in an appropriate oversight capacity; impair the ability of independent government agencies to determine the effectiveness of services, staff and funding; corrode public trust; and undermine the right of the public to determine whether abused children are being adequately protected.

“The legislature therefore finds a compelling need to reform the confidentiality laws and declares its intent, by enactment of this act, to increase the capacity for oversight and monitoring of the child welfare system, and to increase information available to the public and to increase accountability among the agencies involved in the system.

“The legislature finds that the privacy of children and their families in abuse, neglect and maltreatment cases must be safeguarded, but that the interests of children, their families and the public are best protected by increased knowledge and oversight concerning the system, and by greater accountability, and therefore declares that such privacy must be balanced with appropriate release of information concerning such cases.”

The legislative intent to allow a balancing of privacy issues with the need for the legislature and public to know what occurred in certain cases has never been realized. The criminal penalty for improper disclosure contained in Section 422 of the Social Services Law along with the interpretation of the law by the Office of Children and Families has created a chilling effect that

**Bill Number 19**  
**Good Faith Disclosure**

thwarts the intent of Section 422-a.

By removing the threat of criminal prosecution, Commissioners of Social Services who make a good faith effort to comply with Section 422-a of the Social Services Law will be able to exercise their own best judgment regarding the balancing that is called for by the Legislature without fear of being prosecuted.

This is one in a series of measures being introduced at the request of the Erie County Executive upon the recommendation of the county's Commissioner of Social Services to improve the provision of child protective services to New York's children and families.

**FISCAL IMPLICATIONS:** None.

**EFFECTIVE DATE:** This act shall take effect immediately.

**Bill Number 19**  
**Good Faith Disclosure**

**AN ACT** to amend the social services law, in relation to disclosure of information pertaining to a child abuse and neglect investigation.

**THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:**

Section 1. Section 422-a of the social services law, is amended by adding a new subdivision 8 to read as follows:

(8). Notwithstanding any inconsistent provision of law to the contrary, any disclosure of information made by a city or county social services commissioner pursuant to a good faith basis under this section shall not be subject to prosecution pursuant to Section 422(12) of this Title.

S2. This act shall take effect immediately.