



Legislation Text

File #: Res 1933-2013, **Version:** *

Res No. 1933

Resolution calling upon the New York State legislature to pass and the Governor to sign legislation to modify the existing reporting requirements for the Statewide Central Register of Child Abuse and Maltreatment and require identifying information when making a report of child abuse.

By Council Members Cabrera, Barron, Brewer, Eugene, James, King, Koo, Mendez, Palma and Rodriguez

Whereas, The abuse or maltreatment of children is against the law and in New York State, Child Protective Services (“CPS”) within the Office of Family and Children Services (“OCFS”), is responsible for protecting children and preventing future harm; and

Whereas, The Child Protective Services Act of 1973 (Title 6 of State Social Services Law) established a Child Protective Service in each county in New York, each of which is required to investigate child abuse and maltreatment reports, to protect children under 18 years old from further abuse and maltreatment, and to provide rehabilitative services to children, parents and other family members involved; and

Whereas, One of the components of the Child Protective Services Act of 1973 is that OCFS maintain a Statewide Central Register of Child Abuse and Maltreatment (“SCR”); and

Whereas, The SCR receives telephone calls and faxes from individuals alleging child abuse and maltreatment within New York State and relays the information to the local Child Protective Service; and

Whereas, The SCR receives calls and faxes from two types of people; those who are required by law to report suspected cases of abuse, known as mandated reporters, and non-mandated reporters, which includes the general public; and

Whereas, According to OCFS, mandated reporters include, but are not limited to, medical and hospital personnel, school officials, social service workers, child care workers, residential care workers and volunteers,

and law enforcement personnel; and

Whereas, Mandated reporters must fill out a signed written report called LDSS 2221A Report of Suspected Child Abuse or Maltreatment within 48 hours of making an oral report to the SCR; and

Whereas, Voluntary reporters, including but limited to, neighbors, relatives and concerned citizens also call the SCR to report suspected child abuse or maltreatment, however, they are not required to submit a written report and calls or faxes to the SCR may be anonymous; and

Whereas, In New York City, the Administration for Children's Services ("ACS") is the local Child Protective Service and is required to investigate when there is a report of suspected child abuse and maltreatment; and

Whereas, According to a 2008 survey by Public Advocate Betsy Gotbaum ("2008 survey"), perpetrators of domestic violence sometimes use the child abuse and maltreatment system as a way to continue to abuse their victim after they have been separated by falsely reporting instances of child abuse to the SCR; and

Whereas, The 2008 survey states that perpetrators of domestic violence may be motivated to make false claims to the SCR to "gain leverage in an upcoming custody battle and punishment for leaving;" and

Whereas, The reports, regardless if they are true or false, may trigger an investigation by ACS, which can be disruptive to the family; and

Whereas, Falsely reporting child abuse to the SCR is a class A misdemeanor under Article § 240.50 of the Penal Law and if ACS discovers a false report was made, they may refer the case to the appropriate District Attorney's Office; and

Whereas, According to the 2008 survey, 95 percent of domestic violence service providers surveyed reported that they have never had a perpetrator prosecuted for making a false report; and

Whereas, Additionally, 72 percent of respondents reported that they have had at least one case in which the abuser falsely reported the survivor to the SCR for child abuse and 67 percent reported that they have had at

least one case where the abuser repeatedly reported abuse to the SCR; and

Whereas, False reporting of child abuse can make it even more difficult for survivors of domestic violence to rebuild their lives after leaving their abusers and needlessly expends resources that could be better spent; and

Whereas, Therefore, the State should require identifying information when making a report of child abuse in all cases so if a false report is made the caller making the false claim can be more easily prosecuted; and

Whereas, This change would also allow OCFS to better screen reports made to the SCR and ensure that abusers are not manipulating the call system to continue to abuse their victim; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign legislation to modify the existing reporting requirements for the Statewide Central Register of Child Abuse and Maltreatment and require identifying information when making a report of child abuse.

EH
LS #4759
7/17/13