Legislation Details (With Text)

File #:	Res 1066-2019	**Version:**	*	**Name:**	Reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.
Type:	Resolution			**Status:**	Filed (End of Session)
				In control:	Committee on General Welfare
On agenda:	9/25/2019				
Enactment date:				**Enactment #:**	

Title: Resolution urging New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

Sponsors: Deborah L. Rose, Stephen T. Levin, Margaret S. Chin, Diana I. Ayala, Brad S. Lander, Public Advocate Jumaane Williams

Indexes:

Attachments: 1. Res. No. 1066, 2. September 25, 2019 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 9-25-19, 4. Minutes of the Stated Meeting - September 25, 2019, 5. Committee Report 10/31/19, 6. Hearing Testimony 10/31/19, 7. Hearing Transcript 10/31/19

Date	Ver.	Action By	Action	Result
9/25/2019	*	City Council	Introduced by Council	
9/25/2019	*	City Council	Referred to Comm by Council	
10/31/2019	*	Committee on General Welfare	Hearing Held by Committee	
10/31/2019	*	Committee on General Welfare	Laid Over by Committee	
12/31/2021	*	City Council	Filed (End of Session)	

Res. No. 1066

Resolution urging New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

By Council Members Rose, Levin, Chin, Ayala, Lander and the Public Advocate (Mr. Williams)

Whereas, The Federal Child Abuse Prevention and Treatment Act defines child abuse and neglect as "any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm;" and

Whereas, The New York City Administration for Children's Services (ACS) expands the definition of child physical abuse to when a parent or caretaker inflicts or allows someone to inflict serious physical injury other than by accidental means; and

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Whereas, ACS defines neglect as the failure of a parent or caretaker to provide needed food, clothing, shelter, medical care, or supervision to the degree that the child's health, safety, and well-being are threatened with harm, including failure to support a child's educational needs, failure to provide medical or mental health care and exposing a child to family violence; and

Whereas, Reports of abuse and neglect are made to Statewide Central Register of Child Abuse and Maltreatment (SCR), maintained by the New York State Office of Children and Family Services; and

Whereas, SCR staff decide whether a report should be investigated and relay information from the reports to the local child protective services for investigation, which is ACS in New York City; and

Whereas, According to ACS data, the large majority of allegations are for neglect (65%), while 15% are for substance abuse and 10% are for physical abuse; and

Whereas, Of the 59,166 investigations that ACS conducted in Fiscal Year 2018, approximately 38% found credible evidence of abuse or neglect; and

Whereas, If ACS finds some credible evidence of abuse or neglect, ACS will mark the report as "indicated;" and

Whereas, Pursuant to New York State law, indicated reports made to the SCR are kept on record until the youngest child in the family at the time of the investigation turns 28 years old; and

Whereas, Even if a child was not removed from the home and the case was closed, a parent may still have a report against them in the SCR; and

Whereas, Child care employers, foster care and adoption agencies may be notified of indicated reports; and

Whereas, In addition, the police, district attorneys, child welfare agencies, and judges have access to this information; and

Whereas, An indicated report may prevent an individual from getting a job in child care, volunteer work with children, becoming a foster parent, adopting a child, and may even mean losing custody of a child; and

Whereas, If ACS finds that there is no credible evidence in a report, it will be marked as "unfounded" and will be sealed; and

Whereas, A sealed case is not available to employers or licensing agencies that involve the care of children and will be expunged after 10 years; and

Whereas, Other jurisdictions maintain SCR records for a significantly less amount of time; and

Whereas, For indicated cases, states such as Illinois, Iowa, and Kansas allow a record to be expunged from the central registry after 5 years with certain stipulations; and

Whereas, For unfounded cases, records are immediately expunged from the registry in American Samoa, Colorado, Delaware, District of Columbia, Illinois, Hawaii, Michigan, New Jersey, South Carolina, and Wyoming; and

Whereas, According to child welfare and parent advocates, ACS investigations target low-income families, especially women of color and those with a history of domestic violence, who may be disproportionately impacted by the SCR report for at least 28 years; and

Whereas, Maintaining an SCR record until the youngest child turns 28 years old seems severely punitive, thus limiting employment opportunities that may cause families to remain in poverty and putting them at risk of ongoing child welfare involvement; now, therefore, be it

Resolved, That the Council of the City of New York urges New York State to reduce the length of time caretakers, parents or legal guardians remain on the Statewide Central Registry list.

LS 9203 & 8786
3/15/19
TC