



## Memorandum in Support

February 9, 2024

By: M. of A. Hevesi

By: Senator Brisport

Senate Committee: Children and Families

Assembly Committee: Ordered to 3<sup>rd</sup> Reading

Effective Date: Immediately

A.2479

S.902

**AN ACT** to amend the social services law, in relation to the administration of the statewide central register of child abuse and maltreatment.

### **THE NEW YORK STATE BAR ASSOCIATION SUPPORTS THIS LEGISLATION**

Currently, only mandated reporters – those required by law to report suspected abuse or neglect – must provide their names and contact information when making a report to the State Central Registry of abuse or maltreatment (SCR). And yet, Federal statistics show that 96% of anonymous reports of child abuse or neglect ultimately prove to be unfounded or unsubstantiated after investigation.<sup>1</sup> In those cases, the families are needlessly subjected to scrutiny by child protective workers who may come into their homes, peer into their cabinets, examine the children for bruises, request that the parent submit to drug tests and leave the children worrying that they will be removed from their families.

This legislation would replace the anonymous reporting with confidential reporting. Callers to the SCR would not have their report transmitted to a local child protective service for investigation unless they provide their name and contact information. That information would be kept confidential, and would not be released to the public and or the person accused of abuse or neglect. As a result, it would protect the caller from any feared retaliation or conflict with the reported person, while also reducing the number of baseless calls made to harass or intimidate families by disgruntled neighbors, angry former romantic partners, and others who understand the power of a child protective investigation to unsettle a family. This legislation is supported by the New York State Bar Association’s Report and Recommendations of the Committee on Families and the Law Racial Justice and Child Welfare, adopted by the Association’s House of Delegates in 2022, which provides a number of recommendations, including the prohibition of anonymous reports of child neglect.<sup>2</sup>

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<sup>1</sup> Freundlich, Madelyn, Commentary: Anonymous child abuse allegations do more harm than good, Times Union (May 1, 2022). On average, only 3.5 percent of these anonymous reports are determined to be credible each year.

<sup>2</sup>[Committee-on-Families-and-the-Law-April-2022-approved.pdf \(nysba.org\)](https://www.nysba.org/committees/committees-on-families-and-the-law/committees-on-families-and-the-law-april-2022-approved.pdf)

Based on the foregoing and the attached report, the New York State Bar Association **SUPPORTS** this legislation.