

Memorandum in Support

COMMITTEE ON CHILDREN AND THE LAW

Children #6

April 21, 2026

S. 8602

By: Senator Salazar

A.9283

By: M. of A. Hevesi

Senate Committee: Children and Families

Assembly Committee: Children and Families

Effective Date: Immediately

AN ACT establishing the "Supporting Families Together act"; in relation to civil and criminal penalties for mandated reporters; and to repeal certain provisions of such law relating thereto

LAW & SECTION REFERRED TO: Section 420 and subdivision 3 of section 491 of the social services law.

THE COMMITTEE ON CHILDREN AND THE LAW **SUPPORTS THIS LEGISLATION**

A.9283/S.8602, known as the "Supporting Families Together Act," would repeal Social Services Law §420 and §491(3). The bill removes criminal and civil penalties that can be imposed on mandated reporters to willfully fail to report a case of suspected child abuse or maltreatment. The New York State Bar Association Committee on Children and the Law supports this bill.

Section 420 currently provides that any person, official or institution required to report a case of suspected child abuse or maltreatment (a "Mandated Reporter") to the Statewide Central Register of Child Abuse and Maltreatment ("SCR") who willfully fails to do so is guilty of a class A misdemeanor, and that any such person, official or institution who knowingly and willfully fails to do so is civilly liable for the damages proximately caused by such failure.

Section 491(3) provides the same for mandated reporters who fail to report "vulnerable persons." "Vulnerable person" is a person who, due to physical or cognitive disabilities, or the need for services or placement, is receiving services from a facility or provider agency.

The sponsor of the bill notes "a statewide consensus that current mandated reporting practices result in the overreporting of families to the [SCR] for poverty-related needs; and that

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mandated reporters must be given the opportunity to support families instead of reporting them.”¹ The current system of mandatory reporting is one of the driving forces of over-investigation of children and families, needlessly traumatizing children and families and wasting governmental resources.

One significant cause of over-reporting by mandated reporters is that the Social Services Law incentivizes reporting. If one of these reporters has “reasonable cause to suspect child abuse or maltreatment,” they must make a call to the SCR, and if they fail to report they could face criminal or civil penalties, lose their license, face discipline, or lose their job.² The current system incentivizes mandated reporters to make reports out of concern for their own potential liability, rather than concern about a child’s well-being. Indeed, a nationwide investigation conducted by Pro Publica and NBC News revealed that many mandated reporters admitted during calls to child protective services that they were concerned about penalties for failure to report.³ By penalizing failure to report, the New York Legislature has inadvertently incentivized over-reporting.⁴

Seventy percent of all SCR calls in NYC come from mandated reporters.⁵ In New York, there are 48 categories of mandated reporters including doctors, psychologists, hospital staff, school personnel, amongst many others.⁶ In NYC, the substantiation rate for these reports was

1 NEW YORK STATE ASSEMBLY, Memorandum in Support of A9283.

2 N.Y. Soc. Serv. Law § 420 (McKinney 2017). *See also Id.* citing *Summary Guide for Mandated Reporters in New York State*, OFF. OF CHILD. AND FAM. SERVS. at 2 (Feb. 2016), <https://otda.ny.gov/policy/directives/2017/ADM/17-ADM-06-Attachment-4.pdf>; Mike Hixenbaugh et al., *Mandatory Reporting Was Supposed to Stop Severe Child Abuse. It Punishes Poor Families Instead.*, PROPUBLICA (Oct. 12, 2022, 8:00 AM), <https://www.propublica.org/article/mandatory-reporting-strains-systems-punishes-poor-families> (quoting Haven Evans, director of programs at Pennsylvania Family Support Alliance).

3 Mike Hixenbaugh, Suzy Khimm, and Agnel Philip, *Mandatory Reporting Was Supposed to Stop Severe Child Abuse. It Punishes Poor Families Instead.*, NBC News and Pro Publica (Oct. 12, 2022) (quoting Haven Evans, director of programs at Pennsylvania Family Support Alliance), *available at* <https://www.propublica.org/article/mandatory-reporting-strains-systems-punishes-poor-families>.

4 *See Id.* citing Annie Sciacca, *New York Announces New Mandated Reporter Training to Reduce ‘Unwarranted’ Child Maltreatment Reports*, THE IMPRINT (Feb. 15, 2023, 5:26 PM), <https://imprintnews.org/top-stories/new-york-announces-training-to-reduce-unwarranted-child-maltreatment-reports/238580>.

5 Nora McCarthy, *Hotline Calls* (2023), NYC Fam. Pol’y Project (2024), <https://familypolicynyc.org/data-brief/hotline-calls-2023/#:~:text=Only%201%20in%205%20Cases,fewer%20families%20had%20cases%20substantiated.>

6 N.Y. Soc. Serv. Law § 413 (McKinney 2017). *See also Id.* citing Bronx Defenders et al., *Testimony of the Article 10 Family Defense Organizations in New York City Presented Before the New York State Assembly Standing Committee on Children & Families*, CENTER FOR FAM. REPRESENTATION at 6 (Oct. 18, 2022), <https://cfrny.org/wp-content/uploads/2022/11/Joint-Family-Defense-Primary-Prevention-Testimony-10.18.22.pdf>.

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27% overall.⁷ Educators make up the highest percentage of mandated reporters (24%), yet only 14% of cases reported by educators are substantiated.⁸

The requirement of mandatory reporting with criminal and civil penalties was instituted because of a fear that some doctors would not report suspicious injuries to children because of their strong relationships with the parents or for fear of losing patients. Experience has shown that parents who take their children to their longtime pediatricians or are well off are still given the benefit of the doubt by pediatricians. The fear of penalties has, however, resulted in Black and Brown parents, as well as low-income parents being overreported simply because of this fear, resulting in many parents becoming reluctant to seek medical help because of the fear of being reported. SCR reports can result in traumatic home invasions, strip searches of children, and even unnecessary removals into foster care.

This bill will reduce those reports where the mandated reporters are merely making the report out of a desire to protect themselves from potential liability, rather than out of serious concern for the child's well-being. As a result, the SCR will not need to divert resources to investigate unnecessary reports, and will save money for localities. People typically become pediatricians, teachers, social workers, and caretakers, the sources of the majority of reports, because they love children and want to help and protect them. The state should allow these professionals to use their best judgement, but not operate out of fear.

Based on the foregoing, NYSBA's Committee on Children and the Law supports A.9283/S.8602 and urges its passage.

⁷ McCarthy, *Hotline Calls*, supra Note 2.

⁸ Id.