Legislation Details (With Text)

File #:	Res 1338-2020	**Version:**	*	**Name:**	Relating to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment. (S6427A/A8060A)
Type:	Resolution			**Status:**	Filed (End of Session)
				In control:	Committee on General Welfare
On agenda:	6/18/2020				
Enactment date:				**Enactment #:**	
Title:	Resolution calling upon the New York State Legislature to override Governor Andrew Cuomo's veto of S6427A/A8060A, legislation relating to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment.				
Sponsors:	Carlos Menchaca				
Indexes:					
Attachments:	1. Res. No. 1338, 2. June 18, 2020 - Stated Meeting Agenda with Links to Files, 3. Hearing Transcript - Stated Meeting 6-18-20, 4. Minutes of the Stated Meeting - June 18, 2020				

Date	Ver.	Action By	Action	Result
6/18/2020	*	City Council	Introduced by Council	
6/18/2020	*	City Council	Referred to Comm by Council	
12/31/2021	*	City Council	Filed (End of Session)	

Res. No. 1338

Resolution calling upon the New York State Legislature to override Governor Andrew Cuomo's veto of S6427A/A8060A, legislation relating to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment.

By Council Member Menchaca

Whereas, On December 13, 2019, Governor Andrew Cuomo vetoed S6427A/A8060A, legislation to make certain changes to the Statewide Central Register of Child Abuse and Maltreatment (SCR) as it relates to the sealing of maltreatment records and standard of proof to determine indicated and unfounded reports of abuse or maltreatment; and

Whereas, As it stands, anonymous callers to the SCR can generate allegations that are deemed "indicated" if there is "some credible evidence"-considered a "bare minimum" standard, yet sufficient to list parents on the SCR for up to 28 years, even if allegations are never proven; and

Whereas, The vast majority of allegations made to the SCR involve poverty-related neglect-such as lack of adequate housing, failure to provide childcare, failure to provide adequate education, and parental substance abuse-and not child abuse, according to the New York City Bar Association; and

Whereas, Under current law, New Yorkers accused of child abuse or neglect have their names added to the SCR before the charges even receive a hearing, and names can remain accessible to employers and others for up to 28 years; and

Whereas, Many employers are required to do SCR background checks before hiring, including entities that serve adults and children, and an indicated report can severely limit a person's ability to obtain employment for up to 28 years; and

Whereas, It is time to create fairness in the employment consequences faced by caregivers accused of poverty-related neglect, versus caregivers accused of the most heinous types of physical and sexual abuse, which the law currently allows no distinction between; and

Whereas, S6427A/A8060A, sponsored by Senator Velmanette Montgomery and Assemblywoman Ellen Jaffee, respectively, would improve equity in the system, especially among low-income New Yorkers accused of poverty-related neglect, by creating a distinction between abuse and neglect, and the consequences associated with each; facilitating the sealing of maltreatment records; and raising the standard of proof to determine indicated and unfounded reports of abuse or maltreatment; and

Whereas, Given that nearly 50,000 indicated cases are added to the SCR every year, this bill has the potential to drastically increase access to employment for thousands of New York families every year, by updating fair hearing rights as it relates to employment for subjects of maltreatment reports; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to override Governor Andrew Cuomo's veto of S6427A/A8060A, legislation relating to the standards of proof for

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unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment.

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