



Legislation Text

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Int. No. 449

By Council Members Stevens, Krishnan, Hudson, Louis, Brewer, Banks, Cabán, Lee and the Public Advocate (Mr. Williams)

A Local Law to amend the administrative code of the city of New York, in relation to requiring child protective specialists to provide certain information to parents and other persons legally responsible for the care of children who are the subject of reports of child abuse or maltreatment

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-925 to read as follows:

§ 21-925 Information for parents. a. Definitions. For purposes of this section, the following terms have the following meanings:

ACS representative. The term “ACS representative” means an agent of ACS who is authorized to respond directly to reports of child abuse or maltreatment.

Child protective investigation. The term “child protective investigation” means an investigation conducted pursuant to title 6 of article 6 of the social services law in response to a report of child abuse or maltreatment.

Designated organization. The term “designated organization” means a not-for-profit organization or association that has the capacity to provide free legal services to parents.

Parent. The term “parent” means a parent or other person legally responsible for the care of a child who is the subject of an investigation conducted pursuant to title 6 of article 6 of the social services law in response to a report of child abuse or maltreatment.

b. At the initial point of contact with a parent, an ACS representative shall verbally provide to such

parent the following information regarding the child protective investigation, and shall document in the case record that such information has been so provided:

1. The parent does not have to consent to an ACS representative's entry or search of such parent's residence or to the removal of the child from such parent's care or custody, but a court order or emergency circumstances may authorize an ACS representative to enter or search such residence or to remove such child without such parent's consent if ACS has reasonable cause to believe that such child is in such circumstance or condition that his or her continuing in said place of residence or in the care and custody of such parent presents an imminent danger to such child's life or health;

2. The parent does not have to speak with, or answer questions of, an ACS representative or a member of the police department, and any statement made by the parent may be used against the parent in any proceeding, including a criminal proceeding;

3. The parent may request information from an ACS representative regarding the nature of the allegations being investigated;

4. The parent may seek the advice of an attorney or advocate at any time, and may have an attorney or advocate present when the parent is questioned by an ACS representative, including, but not limited to, at any meeting conducted with the parent to determine whether a child should be removed from the home;

5. The parent does not have to consent to an ACS representative's request to interview or examine the child, but a court order may authorize ACS to do so without such parent's consent;

6. The parent does not have to consent to any requests made by an ACS representative, including, but not limited to, requests to sign a release of information or to take a drug or alcohol test, but a court order may require such parent to sign such release or complete such tests without such parent's consent; and

7. Contact information for resources, which may be available to parents during a child protective investigation, including, but not limited to, legal services from designated organizations, and any phone numbers or hotlines available to parents.

§ 2. This local law takes effect 90 days after it becomes law.

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