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Committee Assignment: Assembly Freedom 2

Bill #:AF-14

1 **Sponsors:** Megan Bruno, Amelia Hilton and Gracie Staunches

2

3 **An Act To** Create a hotline available to the public as a way to assist expecting  
4 mothers dealing with substance abuse

5

6 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

7

8 **Purpose** to create a hotline associated with CPS specifically made for expecting  
9 mothers struggling with substance abuse. Coordinated through CPS, this would  
10 allow assistance to be offered; such as education and substance abuse treatment  
11 for the expectant mother.

12

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 **CPS (Child Protective Services)**- The CPS investigates reports (true or  
16 otherwise) of abuse or neglect of children

17 **Neglect**-is a pattern of failing to provide for a child's basic needs. It is  
18 abuse through omission; of not doing something resulting in significant harm or risk  
19 of significant harm

20 **Illicit drugs**-are those that are illegal to make, sell, or use

21 **Fetus**-an unborn offspring of a mammal, in particular an unborn human baby more  
22 than eight weeks after conception.

23 **In utero**- in a woman's uterus; before birth.

24

25 **Section 2** Currently proposing new legislation to add onto, not revising previous bill.

26 2015 New York Laws

27 SOS - Social Services

28 Article 6 - CHILDREN

29 Title 6 - (411 - 428) CHILD PROTECTIVE SERVICES

30 415 - Reporting procedure.

31 **Universal Citation:** [NY Soc Serv L § 415 \(2015\)](#)

32 415. Reporting procedure. Reports of suspected child abuse or  
33 maltreatment made pursuant to this title shall be made immediately by  
34 telephone or by telephone facsimile machine on a form supplied by the  
35 Commissioner of the office of children and family services. Oral reports  
36 shall be followed by a report in writing within forty-eight hours after  
37 such oral report. Oral reports shall be made to the statewide central



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38 register of child abuse and maltreatment unless the appropriate local  
39 plan for the provision of child protective services provides that oral  
40 reports should be made to the local child protective service. In those  
41 localities in which oral reports are made initially to the local child  
42 protective service, the child protective service shall immediately make  
43 an oral or electronic report to the statewide central register. Written  
44 reports shall be made to the appropriate local child protective service  
45 except that written reports involving children being cared for in a home  
46 operated or supervised by an authorized agency or the office of children  
47 and family services shall be made to the statewide central register of  
48 child abuse and maltreatment which shall transmit the reports to the  
49 agency responsible for investigating the report, in accordance with  
50 section four hundred twenty-four-b of this title. Written reports shall  
51 be made in a manner prescribed and on forms supplied by the commissioner  
52 of the office of children and family services and shall include the  
53 following information: the names and addresses of the child and his or  
54 her parents or other person responsible for his or her care, if known,  
55 and, as the case may be, the name and address of the program in which  
56 the child is receiving care; the child's age, sex and race; the nature  
57 and extent of the child's injuries, abuse or maltreatment, including any  
58 evidence of prior injuries, abuse or maltreatment to the child or, as  
59 the case may be, his or her siblings; the name of the person or persons  
60 alleged to be responsible for causing the injury, abuse or maltreatment,  
61 if known; family composition, where appropriate; the source of the  
62 report; the person making the report and where he or she can be reached;  
63 the actions taken by the reporting source, including the taking of  
64 photographs and x-rays, removal or keeping of the child or notifying the  
65 medical examiner or coroner; and any other information which the  
66 Commissioner of the office of children and family services may, by  
67 regulation, require, or the person making the report believes might be  
68 helpful, in the furtherance of the purposes of this title.  
69 Notwithstanding the privileges set forth in article forty-five of the  
70 civil practice law and rules, and any other provision of law to the  
71 contrary, mandated reporters who make a report which initiates an  
72 investigation of an allegation of child abuse or maltreatment are  
73 required to comply with all requests for records made by a child  
74 protective service relating to such report, including records relating  
75 to diagnosis, prognosis or treatment, and clinical records, of any



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76 patient or client that are essential for a full investigation of  
77 allegations of child abuse or maltreatment pursuant to this title;  
78 provided, however, that disclosure of substance abuse treatment records  
79 shall be made pursuant to the standards and procedures for disclosure of  
80 such records delineated in federal law. Written reports from persons or  
81 officials required by this title to report shall be admissible in evidence in any  
82 proceedings relating to child abuse or maltreatment.

83 The intention of this bill is to create a hotline affiliated with CPS where concerned  
84 people, either anonymous or otherwise, can report suspected drug abuse by an  
85 expectant mother. The purpose of this bill is not to punish the expectant mother  
86 criminally, but rather to assist in providing she and her unborn child the proper  
87 resources they need to facilitate a healthy pregnancy for she and her child. This  
88 includes treatment and making sure mom is getting the proper prenatal care that  
89 oftentimes is neglected when an expectant mother is suffering from drug addiction.

90 **Justification** In New York State, when a concerned family member, friend, or  
91 member of the community calls the CPS hotline to report suspected substance  
92 abuse by an expectant mother, the call will be disregarded. Each year, an  
93 estimated 15 percent of infants are affected by prenatal alcohol illicit drug  
94 exposure. CPS cannot offer help or investigate the welfare of the expectant mother.  
95 This is due to the fact that a fetus does not have rights and is not considered a child  
96 until they have taken their first breath. This piece of legislation would follow the  
97 same process as if the fetus was alive. First CPS would field the call then determine  
98 whether there was a reasonable concern to attempt to make contact with the  
99 expectant mother. CPS would then attempt to go to the home of the expectant  
100 mother and attempt to get her cooperation. The purpose of this bill is not to punish  
101 the expectant mother criminally, but rather to assist in providing she and her  
102 unborn child the proper resources they need to facilitate a healthy pregnancy for  
103 she and her child. This includes treatment and making sure she is getting the  
104 proper prenatal care that oftentimes is neglected when an expectant mother is  
105 suffering from drug addiction.

106 **Fiscal Implications** The primary cost will be to hire one or more CPS caseworkers  
107 per county (based on county's size and need) that would be able to handle these  
108 specific cases. It cost approximately \$40,000 to \$50,000 to hire a CPS caseworker.  
109 The additional expense to the county's, would likely result in healthier babies with a  
110 smaller demand for expensive treatment, ultimately leading to less money paid by  
111 taxpayers.

112 **Effective Date** This bill will go into effect January 1, 2022.