



Legislative Affairs
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2023 – 2024 Legislative Memorandum

**Subject: Anti-Harassment in Reporting Bill
A.2479 (Hevesi) / S.902 (Brisport)**

Position: SUPPORT

Across New York State, approximately 150,000 families are reported to the State Central Register of Child Abuse and Maltreatment (SCR) every year.¹ The majority of these reports are ultimately deemed to be unfounded², meaning that after investigating the family, Child Protective Services (CPS) finds that no neglect or maltreatment occurred. However, the report itself can be disruptive and traumatic for families, subjecting them to months of intrusive and humiliating investigation, including home searches, lengthy interrogations about deeply personal subjects, and possibly even strip body checks of their children.

No family should be exposed to such intimate invasion by the government as the result of a knowingly baseless call. Yet, each year the SCR receives numerous false reports by anonymous callers that are designed to intimidate and harass families. Often, the victims of such calls are domestic violence survivors, whose abusers continue to repeatedly terrorize them and their children by anonymously reporting them to CPS. Anonymous reporting also disproportionately affects Black and Brown New Yorkers, who make up the majority of those reported.³

¹ Madelyn Freundlich, *Commentary: Anonymous Child Abuse Allegations Do More Harm Than Good*, ALBANY TIMES UNION (May 1, 2022), <https://www.timesunion.com/opinion/article/Commentary-Anonymous-child-abuse-allegations-do-17140519.php>.

² According to data collected by the National Child Abuse and Neglect Data System (NCANDS), about two-thirds of child protective investigations were unsubstantiated. See U.S. Department of Health & Human Services, Administration for Children and Families, Administration on Children, Youth and Families, and Children's Bureau, *Child Maltreatment: 2021*, p. 32, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf>.

³ New York State Bar Association Committee on Families and the Law, *Report and Recommendations on Racial Justice and Child Welfare* (March 2022), available at <https://nysba.org/app/uploads/2022/03/Committee-on-Families-and-the-Law-report-and-all-comments.pdf>.

Current law allows anyone to report a family to the SCR.⁴ Only mandated reporters are required to leave names and contact information;⁵ all other callers can report anonymously. As a result, little prevents people from abusing the SCR system to threaten and harass parents and their children. Anonymity also makes it more difficult for SCR workers to distinguish baseless reports from legitimate ones. On average, only 3.5 percent of anonymous reports are found to be credible each year.⁶ This not only harms the families targeted by unwarranted reports, but also diverts resources that could be better used supporting families who actually need it.

The Anti-Harassment in Reporting Act is a critical and common-sense measure that would deter people from making false and malicious reports by requiring them to leave their name and contact information with the SCR, while preserving the confidentiality of that information that the law has long protected.⁷ The identity of the caller would be protected, preserving their privacy and insulating them from any concerns about retribution, but the law would help agencies better understand which calls to credit and which to dismiss as illegitimate.

Several other states already prohibit anonymous reports⁸, and it is time that New York follows suit. The NYCLU supports the Anti-Harassment in Reporting bill and urges its immediate passage.

⁴ See, N.Y. Soc. Serv. Law § 414, 422.

⁵ N.Y. SSL § 413(1)(b).

⁶ Madelyn Freundlich, *supra*, note 1.

⁷ See N.Y. SSL § 422(4)(A)

⁸ Dale Margolin Cecka, *Abolish Anonymous Reporting to Child Abuse Hotlines*, 64 Cath. U.S. Rev. 51, 54 (2014).