



NEW YORK STATE SENATOR

George Amedore

Senate and Assembly to Pass Legislation to Aid Law Enforcement Agencies Investigating Missing Children

GEORGE A. AMEDORE, JR. March 16, 2015

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Senator George Amedore and Assemblywoman Patricia Fahy today announced the Legislature will pass a bill (S.3520A/A.5803), in response to the tragic Kenneth White case in Knox, which would clarify the law in order to expedite access to child abuse and maltreatment records when law enforcement agencies are involved in a missing child case.

"We need to do everything possible to help law enforcement officials do their jobs and keep our communities safe, while at the same time being mindful of privacy issues surrounding CPS records," said Senator George Amedore. "This legislation clarifies an existing statute and removes the question of when it's appropriate to release records to law enforcement during a criminal investigation."

"Minutes matter. This bill aims to prevent future delays with law enforcement access to records in a missing persons investigation. I thank Senator Amedore and Sheriff Apple for their cooperation in making this a reality, along with my legislative colleagues," said Assemblymember Patricia A. Fahy.

"I applaud the Senator and the Assemblywoman for recognizing the importance of aiding law enforcement in obtaining vital information that could assist in locating a missing or abducted child. In these types of cases, seconds matter. This law will allow for child protective agencies and law enforcement to share information which is paramount," said Albany County Sheriff Craig D. Apple, Sr.

In December, five year old Kenneth White was reported missing by his older cousin who was watching him at the time. She claimed two masked men entered the house where Kenneth and his two siblings lived with their custodial aunt, and abducted the boy.

When the Albany County Sheriff's Office contacted CPS to request access to Kenneth's records, they were denied. Tragically, Kenneth White was found dead later that night and his cousin, who had originally reported him missing, has been charged with his murder. After a review of the case, it was determined that the records should have been turned over when requested.

This legislation clarifies existing law and parameters for when CPS records should be turned over to law enforcement:

- > When law enforcement is investigating a missing child; and
- > There is reason to believe a family member or guardian is named in a report of child abuse or maltreatment, then
- > CPS can release the records to expedite an investigation.
- > If CPS denies the request, law enforcement agencies can request an administrative review by OCFS, who has the ability to overturn the decision by the local CPS.

"When investigating a report of a missing child, every minute counts," said Senator Patrick M. Gallivan. "It's important that agencies like CPS be able to work with law enforcement and share pertinent information that may help to locate the child as quickly as possible."

"When a child goes missing, it goes without saying that time is of the essence," said Senator Patricia Ritchie. "Often times, law enforcement are required to jump through hoops in order to gain access to the information they need to bring children quickly to safety. This legislation closes a glaring loophole when it comes to safeguarding our kids by providing law enforcement with necessary information in a timely manner and also will help to prevent future tragedies by providing an additional level of protection for children across the state who might come into harm's way."

"The legislation being considered addresses an important gap in the full understanding of the information that can or cannot be disclosed to law enforcement when it comes to a missing child. Collectively, we have worked through various committees and agencies to arrive at meaningful change which we believe will provide law enforcement an improved process for accessing appropriate information in a timelier manner. Admittedly in the Kenneth White case, this change might not have made a difference in the outcome but after delving more deeply into the facts provided it became immediately apparent that a change was necessary which in the future will make a difference. Thank you to Sheriff Craig Apple for his outreach on this issue as well as Chairpersons Lupardo and Lentol, who made themselves and their committee staffs readily available to arrive at this important legislation," said Assemblyman John T. McDonald III.

"Unfortunately, this legislation would not have changed the outcome of this horrible tragedy," said Senator Amedore. "But it will fix a serious flaw and ensure that law enforcement officials have access to the information they need during cases involving missing children when every second counts."

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