

Oswego County Opportunities, Inc.

CHILD ABUSE REPORTING POLICY & PROCEDURE

Policy: It is the policy of Oswego County Opportunities, Inc. to fully comply with all NYS Child Protective Services rules and regulations in reporting all suspected child abuse and/or neglect.

Purpose: OCO, Inc. must assure that all cases of suspected child abuse and/or neglect that come before staff in their official capacity as a mandated reporter, are reported to assure the safety and well being of children and to be in compliance with the Child Protective Services Act of NYS.

To this end, staff in community-based organization such as OCO, Inc. are considered Mandated Reporters. This includes, but is not limited to health, mental health, social work, substance abuse, law enforcement, day care, case management and youth and childcare workers.

A. Definitions & Reportable Conditions

The following definitions are summaries from the Child Protective Services Act, the Family Court Act and the Summary Guide for Mandated Reporters published by NYS Office of Children and Family Services.

1. Abused Child

An "Abused Child" means a child less than 18 years of age, whose parent or other person legally responsible for his care has inflicted serious physical injury on the child, created a substantial risk of physical injury or committed a sex offense against the child. Abuse can also include situations where the parent or person legally responsible knowingly allows someone else to inflict harm on the child.

2. Neglected or Maltreated Child

A "Neglected or Maltreated Child" means a child less than 18 years of age, whose parent or other person legally responsible for his care has failed to exercise a minimum degree of care and placed the child's physical, mental or emotional condition at imminent danger or impairment. This includes failing to provide adequate food, clothing, shelter, medical treatment or education; failing to provide proper supervision; inflicting excessive corporal punishment, abandoning the child or misusing alcohol and drugs to the extent that the child was placed in imminent danger.

Poverty or other financial inability to provide adequate food, clothing, shelter and medical treatment is not maltreatment.

B. Persons Required to Report (Section 413 - Child Protective Act)

Under Section 413 of the Child Protective Services Act, *health, mental health, social work, substance abuse, law enforcement, day care, residential, domestic violence, social service and childcare workers* are Mandated Reporters and are required to report when they have reasonable cause to suspect that a child before them in their professional or official capacity is an abused or neglected child.

The law does not require certainty or proof prior to reporting.

Section 413 further mandates that whenever an individual is required to report as a member of the staff of an agency, they shall notify the person in charge of the agency, or their designee.

OCO employees making a child abuse report must notify an appropriate division supervisor. Each Division must have a written notification plan that identifies who will receive notification of child abuse reports. In the absence of this plan, staff will notify the Division Director, or in their absence the Deputy Executive Director.

All Supervisors receiving a report from staff become responsible to report or assures that a report is made. Only one report per incident is required.

It is important to note that although this section provides for a report to be made to an administrator, it does not give the administrator the power to prohibit reports from being made to the Central Registry, nor does it relieve the original source from insuring that a report is made. Therefore, if the employee believes a report must be made against the judgment of the administrator, they are still allowed and obligated, to report.

No OCO employee may prevent a suspected child abuse or neglect case from being reported. Any employee so doing whether by originally overlooking reportable conditions or causing another employee's suspicion not to be reported, is subject to disciplinary action, including dismissal.

C. Reporting Procedures for Reporting Child Abuse Allegations Against a Parent, Custodian, Guardian, or Other Person Legally Responsible for the Child (Other Than OCO Employees or Volunteers)

1. General

All cases of suspected child abuse or neglect should be orally reported to the New York State Central Register of Child Abuse and Maltreatment and followed up with a written report within 48 hours.

Reports are made by calling the toll-free Mandated Reporter Hotline at 1-800-635-1522.

At the time of oral report, the following information, if known, should be given:

- Name and address of the child and his parents or legally responsible guardian
- The child's age, sex and race
- The nature and extent of the child's injuries, abuse or maltreatment (including any evidence of prior injuries, abuse or maltreatment to the child or his siblings).
- The name of the person or persons responsible for causing the injury, abuse, or maltreatment.
- Family composition
- Source of the report
- Person making the report and where they can be reached
- Any action taken by the reporting source
- Any additional information that may be helpful

Within 48 hours of the oral report, a written report ([DSS-2221-A, Report of Suspected Child Abuse or Maltreatment](#)) must be filed with the local county Department of Social Services Child Protective Services Unit. A supply of these forms may be requested from the local Department of Social Services.

A copy of the DSS-2221-A Report is provided in the Attachment Section of this manual - see Attachment V-A.

When a Child Abuse Report is necessary, staff must notify the appropriate agency supervisor of the report, or in the event the accused *is* the supervisor, another appropriate supervisor or administrator of the agency.

In the event that an employee is instructed not to report, but the employee believes the situation is reportable, the employee can and should, file a report. This is in keeping with section B: Persons Required to Report.

2. Reporting Procedures

- a. Any employee with reasonable cause to suspect reportable conditions of child abuse or neglect must report the condition to the NYS Mandated reporter Hotline at 1-800-635-1522.
- b. The employee must notify the appropriate Division Supervisor as specified in the Division's Child Abuse Reporting Policy and Procedure. The supervisor must be provided with all pertinent information or potential evidence regarding the case in a written summary. In the absence of a Division Notification Procedure, the Division Director or the Deputy Executive Director must be notified.
- c. In the event a report has not been made to the New York State Central Register of Child Abuse and Maltreatment, the Supervisor shall cause an oral report to be made to the Register within the 24-hour period.
- d. The appropriate Supervisor will assure that a written report is also submitted to the appropriate County Department of Social Services Child Protective Services Unit on form DSS-2221-A within 48 hours of the oral report. The pink copy of this report is maintained at the program/division level in a confidential location as identified by Division Policies and Procedures
- e. All OCO staff is to cooperate fully with the DSS investigative staff. All additional requests for information must be documented and placed in the consumer's file or other as designated by Division Procedure.
- f. In cases of clients reported by mandated reporters of other agencies, all OCO staff should cooperate fully with the DSS investigative staff. Any request for such information on a client should be documented with copies maintained in the consumer's file.
- g. All OCO programs should be fully receptive to cooperate in implementing a rehabilitative service plan as applicable for clients under the direction of the applicable County Department of Social Services Child Protective Service Unit.
- h. Upon the discretion of the Division Director, a client may or may not be informed that OCO filed the report of suspected child abuse or neglect. If such information is shared, it shall in no way be done to interfere with the DSS investigation since the primary reason for submitting the report was for the protection of the child and any interference may cause irreparable damage to securing protection.

D. Confidentiality of Reports

Reports of suspected child abuse and maltreatment are confidential and may only be made available to those individuals or groups specified by law.

The subjects of a report are among those entitled, upon request, to a copy of all information they are entitled to, contained in the Central Registry. This request is made to the Department of Social Services.

E. Legal Implication for Mandated Reporters (Sections 419 & 420 - Child Protective Act)

1. Immunity

Mandated reporters who, in good faith, make a report or take photographs of injury and bruises are immune from any liability, either civil or criminal that might otherwise result from such action. The good faith of any person required to report cases of suspected abuse or maltreatment is presumed.

2. Liability

Any person required to report who willfully fails to do so is guilty of a Class A misdemeanor; and, civilly liable for the proximate damages caused by the failure to report.

F. Child Abuse and Neglect Allegations Against OCO Staff or Volunteers

A Child Abuse report will be made to the NYS Central Registry when an allegation of abuse or neglect is alleged towards an OCO employee or volunteer who was acting in their official capacity as a care giver or provider of supervision of children in an OCO home or program licensed by an authorized agency such as:

- ❖ Office of Children and Family Services
- ❖ Office of the Department of Mental Hygiene
- ❖ Office of Mental Retardation and Developmental Disabilities.

This report is investigated by the appropriate state licensing office or local Dept. of Social Services agency.

1. Definitions of Abuse and Neglect of Children in Care of OCO:

An "institutionally abused child who is under the care and/or guardianship of OCO" means a child whose custodian has inflicted serious physical injury on the child, created a substantial risk of physical injury or committed a sex offense against the child. Abuse can also include situations where the person legally responsible knowingly allows someone else to inflict harm on the child.

In addition, an institutionally abused child is any child whose custodian fails to comply with a rule or regulation involving care, services or supervision of a child required by a State agency certifying or supervising the facility or program, and this failure to comply results in death, serious or protracted disfigurement, serious or protracted loss or impairment of physical health, where such result was reasonably foreseeable.

An Institutionally Neglected Child means a child whose health, safety or welfare is harmed or is placed in imminent danger as a result of an employee's noncompliance with applicable standards of the program's State licensing and certifying agency. This includes, but is not limited to the provision of supervision, food, clothing, shelter, and education, medical, dental, optometric, or surgical care of a child in residential or childcare facility.

2. Procedure for Reporting and Investigating Child Abuse and Neglect Allegation against an OCO Employee or Volunteer

- a) The Division Director shall be notified immediately of any allegations, who in turn will notify the Executive Director or the Deputy Executive Director. In the absence of the Division Director, the Executive or Deputy Executive Director shall be notified directly. The Division Director will also immediately notify the Human Resource Manager.
- b) Upon notification of the existence of a report of child abuse or maltreatment, the director or supervisor of the program will take all reasonable steps to preserve any potential evidence of the abuse or maltreatment and where appropriate, will obtain proper medical evaluations of any injury, sickness or impairment which was caused to a child as a result of such abuse, neglect or maltreatment.
- c) The Division Director will ensure the safety and protection of the child named in the report as well as other children by the following actions:
 - i. If the allegation is made at a site, the Division Director shall select an OCO staff person to go directly to the site and take immediate action to assure the health and safety of the child involved in the report and of any other child(ren) similarly situated in the program. This shall be accomplished in a manner that would cause as little disruption as possible to the child(ren).
 - ii. The Division Director will remove any staff and/or volunteers from active duty who are directly implicated in the allegation. Those implicated will be asked to await further instruction from the Division Director or Human Resource Department.
 - iii. The allegation of abuse by an employee or volunteer is considered a Critical Incident and as a result, must follow the [OCO Incident Reporting Procedures](#). This means an OCO Incident Report must be completed and the agency Executive Director notified as soon as possible.
 - iv. The Division Director shall immediately report the allegation to the New York State Central Register of Child Abuse and Maltreatment and/or to the appropriate state-licensing agency for the program and when applicable, to local law enforcement officials by telephoning 911.
 - v. As part of the internal investigation, arrangements will be made to have the complainant speak directly with the Division Director, preferably at the Division's Administrative Offices or other appropriate location.
 - vi. Where applicable under program licensing regulations, The Division Director will assure proper medical evaluations and/or treatment for the child, as needed, with documentation of any evidence of abuse or maltreatment.
 - vii. The allegation will also be reported to the county of placement if the report concerns a child in residential placement OR to the parent of the child if concerning a child in a state licensed program.
 - viii. The Director shall inform program staff of the allegation as appropriate. Appropriate program staff shall meet with the Director to discuss the alleged incident in order to obtain as much information as possible for the pending investigation.
 - ix. Applicable OCO staff will be instructed not to discuss the issue at hand with anyone.
 - x. The Division Director will comply with the applicable state licensing agency and forms regarding allegations of Institutional Abuse.
 - xi. Efforts will be made to place the implicated staff and/or volunteers within a constantly supervised setting that does not bring them into direct contact with the child(ren). If an appropriate setting cannot be arranged, the implicated staff and/or volunteers shall be suspended until the outcome of the child abuse report has been declared.
 - xii. Where dismissal or removal of the implicated staff is not necessary in order to protect the children, the Director will, as appropriate: increase supervision over the subject of the report; provide instruction or technical assistance to implicated staff of the report; initiate appropriate disciplinary action; and/or provide appropriate training and/or supervision over staff/volunteers to prevent and remediate abuse and maltreatment.
- d. The Division Director will ensure that each child named in the report:
 - i) Receives counseling, as appropriate;
 - ii) Receives medical services as needed;
 - iii) Is assessed to determine if there is a risk to their health or safety if they remain. If there is a risk, the child will be transferred immediately to the OCO Division Office and contacts will be made with their legal guardian to look for alternative placement. This transfer will be reported as soon as possible to the appropriate regional office and to the county of placement when related to a child in residential care.

- iv) Efforts will be made to ensure as little disruption as possible to the daily routine of children in program.
- e. OCO will cooperate with the investigative agency. OCO will not restrict or prohibit access by investigators to the subject of the report, other persons named in the report, and any other individuals who may have information that would assist the investigators in the performance of their duties. OCO will make all appropriate records and policy manuals available to investigators.
- f. The Division Director will inform investigators of the activities taken to provide for the safety and protection of the child named in the report and other children where applicable. When directed by investigators, additional specific actions will be taken to ensure the safety and protection of all children.
- g. The child's case record shall indicate that a report was filed against staff and/or volunteers and the subsequent results of the investigation. The child's case record shall not identify the staff and/or volunteers that were subjects of the report.

G. Prevention and Remediation Plans

1. When an allegation towards an employee or volunteer has been indicated and the agency has elected to retain the person's employ or status with OCO, a written prevention and remediation plan will be developed for this person. The Prevention and Remediation plan describes the activities to be taken by OCO with respect to the subject of the report in order to assure the continued health and safety of the child and all other children who are receiving care.
2. If it is determined through the investigation that the incident of abuse or neglect may be attributable in whole or in part to non-compliance by OCO, Inc., the Director and /or OCO Deputy Executive Director will develop a remediation plan which will set forth the activities which the program and the agency plan to take to comply with residential standards as identified in article 7 of the Social Services Law.
3. Within 5 business days of receipt of notice of an indicated report, the Director will contact the licensing agency to discuss the agency's plan of action to remediate the current situation and prevent future episodes.
4. The Director will submit any required prevention and remediation plan to the state agency as required and directed within the time frame indicated by the state agency.

The Prevention and Remediation plan will describe the activities to be undertaken to ensure that child abuse or neglect does not recur. The plan may include:

- Increase supervision of implicated staff/volunteer in of report;
- Provide instruction or technical assistance over subject of the report;
- Appropriate disciplinary action over subject of the report;
- Provide appropriate training and/or increased supervision to all staff pertinent to the prevention and remediation of abuse and maltreatment;
- Provide counseling to child named in report and to any other children appropriate to receive such counseling;
- Provide medical services to child named in report and to any other children who need such services;

- Transfer children within a facility if their health and safety is at risk in their current living unit.
- Change program policies, procedures and/or practices.

H. Staff and/or Volunteers that are Subjects of a Non-indicated Report

1. Any report that is declared by the NYS Office of Children and Family Services to be unfounded shall be completely expunged from the confidential records of the program and of the staff and/or volunteer. The Human Resource Department will keep a record of the report without identifying staff information in the document.
2. The staff and/or volunteer shall be completely reinstated to the job duties they held prior to the child abuse report.
3. The staff and/or volunteer shall return to the same level of supervision they experienced prior to the child abuse report.

I. Staff and/or Volunteers Indicated in a Child Abuse Report

Any staff and/or volunteers that are indicated in a child abuse report of an OCO client *may* be terminated from the agency in accordance with OCO Personnel Policies and Procedures.

J. Training of OCO Employees & Volunteers

All OCO employees and volunteers considered mandated reporters by the nature of their job description and titles will receive training on OCO's Child Abuse Reporting Policies and Procedures.

During New Employee Orientation conducted by HR, all OCO employees will be provided with a copy of the New York State Office of Children and Family Services *Summary Guide for Mandated Reporters in New York State* and a copy of *OCO's Child Abuse Reporting Policies and Procedures*. Divisions are responsible for providing new employees with Division specific procedures related Child Abuse Reporting that are in addition to the standards set forth in this policy and procedure.

The OCO HR Department is responsible for assuring all OCO employees are provided with any changes made to this policy and procedure. Divisions are responsible for assuring employees receive notice of any changes made to Division Child Abuse Reporting Policies and Procedures.

Based on regulatory requirements for particular programs, employees may be required to attend additional Child Abuse Recognition and Reporting training. This requirement is outlined in division/program specific Child Abuse Reporting policies and procedures.