



New York State
Office of
Children & Family
Services

Summary Guide for MANDATED REPORTERS



in
New
York
State

Summary Guide for MANDATED REPORTERS in New York State

Certain professionals are required by law to report suspected child abuse or maltreatment to the New York State Central Register (SCR) of Child Abuse and Maltreatment. The law also assigns civil and criminal liability to those professionals who do not comply with their mandated reporter responsibilities.

This booklet provides mandated reporters with an overview of their obligations and some basic information about the New York State Child Protective Services System (CPS). For additional copies of this pamphlet or for further information about child abuse and maltreatment, visit our website at: www.ocfs.state.ny.us.



Who Are Mandated Reporters?

New York State recognizes certain professionals to be specially equipped to hold the important role of mandated reporter of child abuse or maltreatment. Those professionals are:

- * Physician
- * Surgeon
- * Dentist
- * Dental hygienist
- * Chiropractor
- * Podiatrist
- * Medical examiner
- * Coroner
- * Osteopath
- * Optometrist
- * Resident
- * Intern
- * Registered nurse
- * Registered physician's assistant
- * Emergency medical technician
- * Psychologist
- * Social Worker
- * Licensed mental health counselor
- * Licensed psychoanalyst
- * Licensed creative arts therapist
- * Licensed marriage and family therapist
- * Substance abuse counselor
- * Alcoholism counselor
- * Mental health professional
- * Provider of Family or Group Family Day Care
- * Day care center worker
- * School official
- * Peace officer
- * Police officer
- * District attorney or assistant district attorney
- * Investigator employed in the Office of the District Attorney
- * Any other law enforcement official
- * Social services worker
- * Christian Science practitioner
- * Hospital personnel engaged in the admission, examination, care or treatment of persons
- * Any employee or volunteer in a residential care facility for children
- * Any child care worker
- * Any other child care or foster care worker

The entire current list can be found in Section 413 of the New York Social Services Law.

When Am I Mandated to Report?

Mandated reporters are required to report suspected child abuse or maltreatment when, in their official or professional role, they are presented with a **reasonable cause** to suspect child abuse or maltreatment where a child, parent, or other person legally responsible for the child is before the mandated reporter when the mandated reporter is acting in his or her official or professional capacity. "Other person legally responsible" refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child.

Professional Role

For example, a doctor examining a child in her practice who has a reasonable suspicion of abuse must report her concern. In contrast, the doctor who witnesses child abuse when riding her bike while off-duty is not mandated to report that abuse. **Of course, anyone may report any suspected abuse or maltreatment at any time, and is encouraged to do so.**

Reasonable Cause to Suspect

Reasonable cause to suspect child abuse or maltreatment means that, based on your rational observations, professional training and experience, you have a suspicion that the parent or other person legally responsible for a child is responsible for harming that child or placing that child in imminent danger of harm. Your suspicion can be as simple as distrusting an explanation for an injury.

What Is Abuse and Maltreatment?

Abuse

Abuse encompasses the most serious harms committed against children. An abused child is one whose parent or other person legally responsible for his or her care inflicts serious physical injury upon the child, creates a substantial risk of serious physical injury, or commits a sex offense against the child. Abuse also includes situations where a parent or other person legally responsible knowingly allows someone else to inflict such harm on a child.

Maltreatment (including Neglect)

Maltreatment means that a child's physical, mental or emotional condition has been impaired, or placed in imminent danger of impairment, by the failure of the child's parent or other person legally responsible to exercise a minimum degree of care by:

- * failing to provide sufficient food, clothing, shelter, education; or
- * failing to provide proper supervision, guardianship, or medical care (refers to all medical issues, including dental, optometric, or surgical care); or
- * inflicting excessive corporal punishment, abandoning the child, or misusing alcohol or other drugs to the extent that the child was placed in imminent danger.

Poverty or other financial inability to provide the above is not maltreatment.

Note: The definitions of abuse and maltreatment are somewhat different for children in residential facilities operated or licensed by state agencies.

How Do I Recognize Child Abuse and Maltreatment?

The list that follows contains some common indicators of abuse or maltreatment. This list is not all-inclusive, and some abused or maltreated children may not show any of these symptoms.

Indicators of Physical Abuse can include:

- * Injuries to the eyes or both sides of the head or body (accidental injuries typically only affect one side of the body);
- * Frequent injuries of any kind (bruises, cuts and/or burns), especially if the child is unable to provide an adequate explanation of the cause. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns, or impressions of other instruments;
- * Destructive, aggressive, or disruptive behavior;
- * Passive, withdrawn, or emotionless behavior; and
- * Fear of going home or fear of parent(s).

Indicators of Sexual Abuse can include:

- * Symptoms of sexually transmitted diseases;
- * Injury to genital area;
- * Difficulty and/or pain when sitting or walking;
- * Sexually suggestive, inappropriate, or promiscuous behavior or verbalization;
- * Expressing age-inappropriate knowledge of sexual relations; and
- * Sexual victimization of other children.

Indicators of Maltreatment can include:

- * Obvious malnourishment, listlessness, or fatigue;
- * Stealing or begging for food;
- * Lack of personal care – poor personal hygiene, torn and/or dirty clothes;
- * Untreated need for glasses, dental care, or other medical attention;
- * Frequent absence from or tardiness to school; and
- * Child inappropriately left unattended or without supervision.

Where Do I Call to Make a Report?

As soon as you suspect abuse or maltreatment, you must report your concerns by telephone to the SCR. The SCR is open 24-hours-a-day, seven-days-a-week, to receive your call. The timeliness of your call is vital to the timeliness of intervention by local Child Protective Services (CPS). You are not required to notify the parents or other persons legally responsible either before or after your call to the SCR. In fact, in some cases, alerting the parent may hinder the local Child Protective Services investigation and adversely affect its ability to assess the safety of the children. The telephone numbers are:

Mandated Reporter ..(800) 635-1522
Public Hotline(800) 342-3720

Two counties run child abuse hotlines that may be used instead of the SCR:

Onondaga County(315) 422-9701
Monroe County(585) 461-5690

Oral reports to any of the hotlines **must be followed within 48 hours by a written report** on Form LDSS-2221A to the local CPS. A copy of this mandated reporter form can be obtained by contacting your local CPS office, or by accessing the New York State Office of Children and Family Services (OCFS) website at www.ocfs.state.ny.us and clicking on the "Forms" and "LDSS-2221A" links.

What Happens When I Call the SCR?

There may be times when you have very little information on which to base your suspicion of abuse or maltreatment, but this should not prevent you from calling the SCR. A trained specialist at the SCR will help to determine if the information you are providing can be registered as a report. The LDSS-2221A mandated reporter form can be used to help you organize the identifying or demographic information you have at your disposal.

Be sure to ask the SCR specialist for the "Call I.D." assigned to the report you have made.

If the SCR staff does not register the child abuse or maltreatment report, the reason for the decision should be clearly explained to you. You may also request to speak to a supervisor who can help make determinations in difficult or unusual cases.

Local CPS Role and Responsibilities

When a report is registered at the SCR, the local Department of Social Services is immediately notified for investigation and follow-up. A local Child Protective Services caseworker will initiate an investigation within 24 hours.

CPS intervention consists of an evaluation of the child and other children in the home, and the development of a plan to meet the needs of the child and family. If there is an immediate threat to the child's life or health, CPS may remove the child from the home.

Within 60 days of initiating the investigation, CPS will determine whether the report is indicated or unfounded. Mandated reporters may ask to be informed of the outcome of the report.

Law Enforcement Referrals

If a call to the SCR provides information about an immediate threat to a child or a crime committed against a child, but the perpetrator is not a parent or other person legally responsible for the child, the SCR staff will make a Law Enforcement Referral (LER). The relevant information will be recorded and transmitted to the New York State Police Information Network or to the New York City Special Victims Liaison Unit for action. This is not a CPS report, and local CPS will not be involved.

What Protection or Liability Do I Have?

Source Confidentiality

The Social Services Law provides confidentiality for mandated reporters and all sources of child abuse and maltreatment reports. OCFS and local CPS are not permitted to release to the subject of the report any data that would identify the source of a report unless the source has given written permission to do so. Information regarding the source of the report may be shared with court officials, police, and district attorneys but only in certain circumstances.

Immunity from Liability

If a mandated reporter makes a report with earnest concern for the welfare of a child, he or she is immune from any criminal or civil liability that might result. This is referred to as making a report in "good faith."

Penalties for Failure to Report

Anyone who is mandated to report suspected child abuse or maltreatment – and fails to do so – could be charged with a Class A misdemeanor and subject to criminal penalties. Further, mandated reporters can be sued in a civil court for monetary damages for any harm caused by the mandated reporter's failure to make a report to the SCR.

Conclusion

Protecting children and preventing child abuse and maltreatment does not begin or end with reporting. Efforts to prevent child abuse and maltreatment can only be effective when mandated reporters and other concerned citizens work together to improve the safety net in their communities.

To be most effective, your local CPS needs strong partnerships within your community. By getting to know the staff in your local CPS unit, you will gain a better understanding of how your local program is structured and CPS will better understand how to work more effectively with you. By working together, we can better protect our vulnerable children.

**New York State
Office of
Children & Family
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Visit our website at:
www.ocfs.state.ny.us

For child care, foster care, and adoption information, call:
1-800-345-KIDS

To report child abuse and neglect, call:
1-800-342-3720

Mandated Reporters Hotline for child abuse and maltreatment reports:
1-800-635-1522

For information on the Abandoned Infant Protection Act, call:
1-866-505-SAFE

State of New York
George E. Pataki, Governor



Office of Children & Family Services
John A. Johnson, Commissioner

Pursuant to the Americans with Disabilities Act, the New York State Office of Children and Family Services will make this material available in large print or on audiotape upon request.

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