



Office of Children and Family Services

Summary Guide for Mandated Reporters in New York State

This material provides mandated reporters with an overview of their obligations and some basic information about the New York State Child Protective Services (CPS) system.

Who Are Mandated Reporters?

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

- * Physician
- * Registered Physician's assistant
- * Surgeon
- * Medical Examiner
- * Coroner
- * Dentist
- * Dental Hygienist
- * Osteopath
- * Optometrist
- * Chiropractor
- * Podiatrist
- * Resident
- * Intern
- * Psychologist
- * Registered nurse
- * Social Worker
- * Emergency Medical technician
- * Licensed creative arts therapist
- * Licensed marriage and family therapist
- * Licensed Mental Health counselor
- * Licensed Psychoanalyst
- * Licensed behavior analysts
- * Certified behavior analyst assistants
- * Hospital personnel engaged in the admission, examination, care or treatment of persons
- * Christian Science Practitioner
- * School official, including (but not limited to):
 - school teacher,
 - school guidance counselor,
 - school psychologist,
 - school social worker,
 - school nurse,
 - school administrator or other school personnel required to hold a teaching or administrative license or certificate
- * Social Services Worker
- * Director of a
 - Children's overnight camp,
 - summer day camp or
 - traveling summer day camp
- * Day care center worker
- * School age child care worker
- * Provider of family or - group family day care
- * Employee or - volunteer in a residential care facility for children
- * Any other child care or - foster care worker
- * Mental Health Professional
- * Substance abuse counselor
- * Alcoholism counselor
- * All persons credentialed by the NYS Office of Alcoholism and Substance Abuse Services
- * Peace officer
- * Police officer
- * District attorney or - assistant district attorney
- * Investigator employed in the office of the district attorney
- * Any other law enforcement official

The entire current list can be found in Article 6, Title 6, and Section 413 of the New York Social Services Law. The website can be accessed online through the New York State Legislature's Website (<http://public.leginfo.state.ny.us/menuf.cgi>). Click on Laws of New York to access Social Services Law.

When Am I Mandated to Report?

Mandated reporters are required to report suspected child abuse or maltreatment when they are presented with a reasonable cause to suspect child abuse or maltreatment in a situation 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.

Mandated reporters who are social services workers have expanded reporting requirements. Social services workers are required to report when, in their official or professional role, they are presented with a reasonable cause to suspect child abuse or maltreatment where any person is before the mandated reporter and the mandated reporter is acting in his or her official or professional capacity.

What is a 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. The mandated reporter's legal responsibility to report suspected child abuse or maltreatment ceases when the mandated reporter stops practicing his/her profession. 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.



Office of Children and Family Services

Summary Guide for Mandated Reporters in New York State

What Is Abuse and Maltreatment?

Abuse

Abuse encompasses the most serious injuries and/or risk of serious injuries to children by their caregivers. 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 (includes 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 different for children in residential facilities operated or licensed by the state.

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;
- * 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;
- * 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;
- * Child inappropriately left unattended or without supervision.



Office of Children and Family Services

Summary Guide for Mandated Reporters in New York State

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 New York Statewide Central Register of Child Abuse and Maltreatment (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 the local department of social services' Child Protective Services (CPS) unit. 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 CPS investigation and adversely affect its ability to assess the safety of the children. The telephone numbers to report abuse or maltreatment by a parent, foster care or day care are:

Mandated Reporter (800) 635-1522
Public Hotline (800) 342-3720
For Abuse by Institutional Staff:
1-855-373-2122

One county runs its own child abuse hotline that may be used instead of the SCR:

Onondaga County (315) 422-9701

Oral reports to the SCR from a mandated reporter must be followed within 48 hours by a written report to the local department of social services' CPS unit on form LDSS-2221A. A copy of this form and the local mailing address can be obtained by contacting your local department of social services, or by visiting the New York State Office of Children and Family Services (OCFS) website at ocfs.ny.gov. Click on "Forms", then click on "Try a keyword search...", enter the form number in the box and click "Find". To contact your local department of social services, click here: <http://ocfs.ny.gov/main/localdss.asp>

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 their 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 CPS 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.

Upon request, CPS may obtain from the mandated reporter those records that are essential to a full investigation of alleged child abuse and maltreatment for any report made by the mandated reporter. The mandated reporter must determine which records are essential to the full investigation and provide those records to CPS when requested to do so. 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. This is not a CPS report, and local CPS will not be involved.



Office of Children and Family Services

Summary Guide for Mandated Reporters in New York State

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 for them 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."

Protection from Retaliatory Personnel Action

Section 413 of the Social Services Law specifies that no medical or other public or private institution, school, facility or agency shall take any retaliatory personnel action against an employee who made a report to the SCR. Furthermore, no school, school official, child care provider, foster care provider, or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff mandated to report suspected child abuse or maltreatment.

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.

Who Provides Training for Mandated Reporters?

The New York State Education Department (SED) Office of the Professions oversees the training requirements for mandated reporters. Some categories—including teachers, many medical professionals, and social workers—need this training as part of their licensing requirement. The training may be included in their formal education program.

The New York State Office of Children and Family Services (OCFS) is proud to be a certified provider authorized by SED to offer mandated reporter training, and has developed a comprehensive curriculum with content customized to medical professionals, educators, law enforcement personnel, day care providers, and human services staff.

OCFS has shared this well-received curriculum with other certified providers of mandated reporter training, as well as with colleges and universities across the state that provide educational programming in the fields covered by the mandated reporter statute.

OCFS provides mandated reporter training through a contractual agreement with the Center for Development of Human Services (CDHS), part of the Institute for Community Health Promotion, SUNY Buffalo State.

OCFS offers a Self-Directed Online Training for mandated reporters. This 2-hour web-based online training course is available 24/7 and is accessible at:

www.nysmandatedreporter.org.

There is no cost to the participant.

Special Note: Mandated Reporters who require licensure or certification through the New York State Department of Education (NYSED) are required to take mandated reporter training from a trainer who has been approved by the New York State Education Department. For more information, please go to <http://www.op.nysed.gov> or contact the New York State Education Department at:

OPPLEUCA@mail.NYSSED.gov.

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 Services

Capital View Office Park, 52 Washington Street
Rensselaer, New York 12144

Visit our website at:
ocfs.state.ny.us

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

For information on the Abandoned
Infant Protection Act, call:
1-866-505-SAFE (7233)

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

Justice Center for Institutional
Abuse: 1-855-373-2122

For additional copies of this
pamphlet visit our website at:
ocfs.state.ny.us and click on
"Publications."

 facebook.com/thenysocfs

 youtube.com/ocfsnews

 twitter.com/NYSOCFS

 twitter.com/NYSOCFS_espanol