

Who are Mandated Reporters?

- Persons required, under SSL, to report or cause a report to be made when there is reasonable cause to suspect that a child is being abused or neglected include:
 - * Physicians
 - * Police Officers
 - * Chiropractors
 - * Peace Officers
 - * Registered Nurses
 - * Foster Care Workers
 - * Surgeons
 - * Dentists
 - * Mental Health Profs.
 - * School Officials
 - * Hospital Personnel
 - * Social Service Workers
 - * Medical Examiners
 - * Osteopaths
 - * D.A.s and A.D.A.s,
and their employees
 - * Medical Residents
 - * EMTs
 - * Counselors
 - * Coroners
 - * Optometrists
 - * Child Care Workers
 - * Medical Interns
 - * Day Care Center Workers
 - * Employees/Volunteers in Residential Care Facilities
 - * Christian Science Practitioners

Complete List Found at: www.ocfs.state.ny.us

When am I mandated to report?

- Whenever you suspect Child Abuse or Neglect, a report should be made immediately, at any time of the day and on any day of the week, by telephone to the SCR.
- “Reasonable cause to suspect” means that a reasonable person would have a basis to believe that a child may have been abused or neglected.
- Your agency has guidelines and may have a designated agent to make reports; you must notify that person immediately. If that person does not make a report, you must cause a report to be made.

What protection do I have when I make a report?

- Mandated reporters have immunity from any civil or criminal liability.
 - Any person, official or institution who in **good faith** makes a report, takes photographs and/or takes protective custody, has immunity from any civil or criminal liability
 - Persons or officials who are required to report suspected Child Abuse or Neglect are presumed to have done so in good faith so long as they were acting in the discharge of their official duties within the scope of their employment

What if I don't make a report when I suspect abuse or neglect?

- You can be convicted of a crime.
 - Any person, official or institution required by the law to report a case of suspected Child Abuse and Maltreatment, who willfully fails to do so, may be guilty of a Class A misdemeanor.
- You can be personally liable (\$) to the victim.
 - Any person, official or institution required by the law to report a case of suspected Child Abuse or Maltreatment who knowingly and willfully fails to do so may be civilly liable for damages caused by the failure to do so

Definition of Neglect

- **A Neglected** child in residential care means a child whose custodian:
 - 1) **SSL 412.9(a)**: Inflicts, by act or omission, physical injury by other than accidental means **OR**
 - 2) **SSL 412.9(b)**: Creates substantial risk of physical injury, excluding minor injury, by other than accidental means **OR**
 - 3) **SSL 412.9 (c)**: Fails to comply with a rule or regulation and such failure results in physical injury or serious injury where such result was reasonably foreseeable **OR**
 - 4) **SSL 412.9(d)**: Fails to meet a personal duty imposed by an agreed upon plan of prevention and remediation and such failure results in injury or risk thereof to the child **OR**
 - 5) **SSL 412.9(e)** Intentionally administers a prescription drug other than in substantial compliance with a prescription

Definition of Abuse

An **abused** child in residential care means a child whose custodian:

1.)SSL 412.8(a)(i): Inflicts a physical injury by other than accidental means which causes or creates substantial risk of death, disfigurement or impairment of physical, psychological and/or emotional health

OR

2.)SSL 412.8(a)(ii): Allows such physical injury to be inflicted

OR

3.)SSL 412.8(b)(i): Creates a substantial risk of injury by other than accidental means which would likely cause death, serious disfigurement, or serious physical or emotional injury

OR

4.)SSL 412.8(b)(ii): With knowledge or deliberate indifference creates risk of such injury

OR

(next page)

Definition of Abuse (cont.)

5.)SSL 412.8 (c): Commits, promotes, encourages, or permits the commission of a sex offense against a child, as described in article 130, 230, or section 255.25 of the Penal Law. Also, allows, promotes, or uses a child in acts described in article 263 of the Penal Law.

Penal Law:

130 – Rape, Sodomy, Forcible Touching, Sex Abuse and others

230 – Patronizing, promoting or permitting prostitution

255.25 – Incest

263 – Using a child in a sexual performance. Also, promoting or possessing a sexual performance by a child (in person, video, computer, still photos, etc.)

OR

6.)SSL 412.8(d): Fails to comply with a rule or regulation involving care or supervision of a child and such failure results in death or serious injury

OCFS Regional Offices

Albany Regional Office
155 Washington Street
Albany NY 12210
(518) 486-7078

New York City Regional Office
80 Maiden Lane 5th Floor
New York, NY 10038
(212) 383-1788

Syracuse Regional Office
2 Clinton Square, Suite 350
Syracuse, NY 13202
(315) 423-1200

Buffalo Regional Office
838 Ellicott Square Bldg
Buffalo , NY 14203
(716) 847-3145

Rochester Regional Office
259 Monroe Ave.
Monroe Square 3rd Floor
Rochester, NY 14607
(585) 238-8201

Yonkers Regional Office
525 Nepperhan Ave. Suite 201
Yonkers, NY 10703
(914) 377-2080

Regional Office Jurisdictions

<p>Rochester</p> <p>Chemung, Livingston, Monroe, Ontario, Schuyler, Seneca, Steuben, Wayne, Yates</p>	<p>Buffalo</p> <p>Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Niagara, Orleans, Wyoming</p>	<p>New York City</p> <p>Bronx, Brooklyn, Manhattan, Queens, Staten Island</p>
<p>Albany</p> <p>Albany, Clinton, Columbia, Delaware, Essex, Franklin, Fulton Greene, Hamilton, Montgomery, Otsego, Rensselaer, Saratoga, Schenectady, Schoharie, Warren, Washington</p>	<p>Syracuse</p> <p>Broome, Cayuga, Chenango, Cortland, Herkimer, Jefferson, Lewis, Madison, Oneida, Onondaga, Oswego, St. Lawrence, Tioga, Tompkins</p>	<p>Yonkers</p> <p>Ulster, Sullivan, Dutchess, Putnam, Nassau, Orange, Suffolk, Rockland, Westchester</p>

REASONABLE CAUSE TO SUSPECT CASE SCENARIOS

Questions for all scenarios:

- Is there a reasonable cause to suspect abuse or neglect? Why or why not?
- Who are the persons legally responsible for the suspected abuse or neglect?
- What is your next step?

SCENARIO A

You are counseling a child to resolve anger issues. She tells you that she was recently caught stealing articles from another resident. She says child care worker Jones who caught her stealing let the resident she was stealing from give her a "Charlie-Horse" as punishment. She shows you a faint bruise the size of a nickel on her thigh that resulted from the Charlie-Horse.

SCENARIO B

A resident you are supervising tells you that when he went home for a weekend visit, his step-father and mother got in a physical fight and were throwing household items at each other. As a result, both he and his little brother were hit by flying glass. The resident has a cut on his cheek - he says his little brother was uninjured.

SCENARIO C

You overhear a 13-year-old female resident bragging to another resident about having sex last night with her boyfriend. The child has been a resident, without leave privileges, for the last 2 weeks.

SCENARIO D

You catch three residents in your program smoking pot. When you question them, Child One says child care worker Ms. Smith sold her the marijuana. Child Two says Child Three had the marijuana. Child Three states the marijuana belongs to Child One, but doesn't know where Child One got it.

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
**REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

Report Date	Case ID	Call ID
Time AM/PM :	Local Case #	Local Dist/Agency

SUBJECTS OF REPORT

Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birthday or Age Mo/Day/ Yr	Ethnic Code	Relation Code	Role	Lang.
1.									
2.									
3.									
4.									
5.									
6.									
7.									

MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	Telephone No.
	() - -
	() - -
	() - -

BASIS OF SUSPICIONS

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "ALL".

<input type="checkbox"/> DOA/Fatality	<input type="checkbox"/> Child's Drug/Alcohol Use	<input type="checkbox"/> Swelling/Dislocation/Sprains
<input type="checkbox"/> Fractures	<input type="checkbox"/> Poisoning/Noxious Substances	<input type="checkbox"/> Educational Neglect
<input type="checkbox"/> Internal Injuries (i.e. Subdural Hematoma)	<input type="checkbox"/> Choking/Twisting/Shaking	<input type="checkbox"/> Emotional Neglect
<input type="checkbox"/> Lacerations/Bruises/Welts	<input type="checkbox"/> Lack of Medical Care	<input type="checkbox"/> Inadequate Food/Clothing/Shelter
<input type="checkbox"/> Burns/Scalding	<input type="checkbox"/> Malnutrition/Failure to Thrive	<input type="checkbox"/> Lack of Supervision
<input type="checkbox"/> Excessive Corporal Punishment	<input type="checkbox"/> Sexual Abuse	<input type="checkbox"/> Abandonment
<input type="checkbox"/> Inappropriate Isolation/Restraint(Institutional Abuse Only)	<input type="checkbox"/> Inadequate Guardianship	<input type="checkbox"/> Parent's Drug/Alcohol Misuse
<input type="checkbox"/> Inappropriate Custodial Conduct(Institutional Abuse Only)	<input type="checkbox"/> Other specify) _____	

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem. (If known, give time/date of alleged incident)

MO
DAY
YR

The Mandated Reporter Requests Finding of Investigation YES NO

CONFIDENTIAL	SOURCE(S) OF REPORT	CONFIDENTIAL
NAME () -	NAME () -	TELEPHONE () -
ADDRESS	ADDRESS	
AGENCY/INSTITUTION	AGENCY/INSTITUTION	

RELATIONSHIP (✓ = REPORTER, X = SOURCE)

Med. Exam/Coroner
 Physician
 Hosp. Staff
 Law Enforcement
 Neighbor
 Relative
 Instit. Staff
 Social Services
 Public Health
 Mental Health
 School Staff
 Other Specify) _____

For Use By Physicians	Medical Diagnosis on Child	Signature of Physician who examined/treated child X	Telephone No. () -
	Hospitalization Required: <input type="checkbox"/> None <input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks		
Actions Taken Or	<input type="checkbox"/> Medical Exam	<input type="checkbox"/> X-Ray	<input type="checkbox"/> Removal/Keeping
About To Be Taken	<input type="checkbox"/> Photographs	<input type="checkbox"/> Hospitalization	<input type="checkbox"/> Returning Home
			<input type="checkbox"/> Not. Med Exam/Coroner
			<input type="checkbox"/> Notified DA
Signature of Person Making This Report		Title	Date Submitted Mo. Day Yr.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

TO ORDER MORE LDSS-2221A FORMS: Internet: : **Error! Bookmark not defined.** ,

Intranet: **Error! Bookmark not defined.** choose OCFS-4627 "County Forms Request. Difficulty accessing the order form? Call (518) 473-0971.

TO ACCESS FORM LDSS-2221A electronically: Internet: : **Error! Bookmark not defined.** ,

Intranet: **Error! Bookmark not defined.** choose LDSS-2221A. YOU MUST SUBMIT A PAPER COPY, ORIGINALLY SIGNED LDSS-2221A FORM to the local child protective services.

KEY TO CODES ON THE FRONT PAGE OF FORM LDSS-2221A

<u>ETHNICITY CODES</u>	<u>RELATION CODES FAMILIAL REPORTS</u>		<u>ROLE CODES</u>	<u>LANGUAGE</u>	
AA: African-American AS: Asian CW: Caucasian HL: Hispanic UK: Unknown XX: Other	AU: Aunt/Uncle CH: Child GP: Grandparent FM: Other Fam. Member FP: Foster Parent DC: Daycare Provider	XX: Other Parent Parent Substitute Unrelated Home Mem. Unknown	PA: AB: Abused Child PS: MA: Maltreated Child UH: AS: Alleged Subject (Perpetrator) NO: No Role UK: Unknown	CH: Chinese CR: Creole EN: English FR: French GR: German HI: Hindi HW: Hebrew IT: Italian JP: Japanese	KR: Korean MU: Multiple PL: Polish RS: Russian SI: Sign SP: Spanish VT: Vietnamese XX: Other
	<u>IAB REPORTS ONLY</u>				
	AR: Administrator CW: Child Care Worker DO: Director/Operator	IN: Instit. Non-Prof IP: Instit. Pers/Vol. Psychiatric Staff	PI:		

Abstract Sections from Article 6, Title 6, Social Services Law

Section 412. Definitions

1. **Definition of Child Abuse** (see N.Y.S. Family Court Act Section 1012(e))

An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:

- 1) Inflicts or allows to be inflicted upon the child serious physical injury, or
- 2) Creates or allows to be created a substantial risk of physical injury, or
- 3) Commits or allows to be committed against the child a sexual offense as defined in the penal law.

2. **Definition of Child Maltreatment** (see N.Y.S. Family Court Act, Section 1012(f))

A "maltreated child" is a child under eighteen years of age whose physical, mental or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care:

- 1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
- 2) in providing the child with proper supervision or guardianship; or
- 3) by unreasonable inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
- 4) by using a drug or drugs; or
- 5) by using alcoholic beverages to the extent that he loses self-control of his actions; or
- 6) by any other acts of a similarly serious nature requiring the aid of the Family Court.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone* and followed in writing (on LDSS-2221A) within 48 hours after such oral report.

NYS CHILD ABUSE AND MALTREATMENT REGISTER:

1-800-635-1522 (For Mandated Reporters Only) **1-800-342-3720** (For Public Callers)

Section 419. Immunity from Liability. Any person, official or institution participating in good faith in the making of a report, the taking of photographs, or the removal or keeping of a child pursuant to this title shall have immunity from any liability, civil or of any person required to report cases of child abuse or maltreatment shall be presumed.

Section 420. Penalties for Failure to Report.

1. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who willfully fails to do so shall be guilty of a class A misdemeanor.
2. Any person, official, or institution required by this title to report a case of suspected child abuse or maltreatment who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

TO SUBMIT FORM LDSS-2221A: A paper copy originally signed, must be submitted to the County Department of Social Services where the subject(s) of the report reside. See Section 415 above.

Residential Institutional Abuse Reports: A paper copy of the form LDSS 2221A, originally signed, must be submitted directly to the State Central Register, P.O. Box 4480, Albany, New York 12204-0480. See Section 415 above.

ANSWER KEY

SCENARIO A

Is there a reasonable cause to suspect abuse or neglect?

Yes.

Why or why not?

A child care worker allegedly allowed (perhaps even encouraged) one resident to inflict injury on another resident.

Who are the person(s) legally responsible for the suspected abuse or neglect?

Child Care Worker Jones.

What is your next step?

Call the SCR, take a photo of the bruise, take the child to the nurse.

SCENARIO B

Is there a reasonable cause to suspect abuse or neglect?

Yes.

Why or why not?

Flying glass caused an injury to one child, could have cause a serious injury to both children.

Who are the person(s) legally responsible for the suspected abuse or neglect?

Step-father and Mother.

What is your next step?

Call the SCR

SCENARIO C

Is there a reasonable cause to suspect abuse or neglect?

No

Why or why not?

While children cannot consent to sex, you do not have reason to suspect a person legally responsible acted inappropriately. However, you have a reason to be suspicious. Since the child has been in care, either the boyfriend is from outside the facility and the resident somehow got access to him, or, the boyfriend is a child care worker. If the boyfriend is from outside the facility, there is a possibility a child care worker was not providing proper supervision so that the resident left - or had the boyfriend enter the premises. If the resident's boyfriend is a child care worker - that is against the law and against policy.

Who are the person(s) legally responsible for the suspected abuse or neglect?

No one at this time.

What is your next step?

Take child aside and ask her about her boyfriend and the story you overheard.

SCENARIO D

Is there a reasonable cause to suspect abuse or neglect?

Yes

Why or why not?

We have a credible allegation that a child care worker provided drugs to a resident.

Who are the person(s) legally responsible for the suspected abuse or neglect?

Child care worker Smith.

What is your next step?

Call SCR

Who are Mandated Reporters?

Persons required, under SSL, to report or cause a report to be made when there is reasonable cause to suspect that a child is being abused or neglected include:

- Employees/Volunteers in Residential Care Facilities
- Physicians
- Foster Care Workers
- Police Officers

Who are Mandated Reporters?

(Cont'd)

- Peace Officers
- Registered Nurses
- Mental Health Profs.
- School Officials
- Hospital Personnel
- Social Service Workers
- D.A.s and A.D.A.s.
- EMTs
- Counselors
- Child Care Workers

Complete List Found at: www.ocfs.state.ny.us

Making the Call

New York State Child Abuse and Maltreatment Register

1-800-635-1522

Mandated Reporter Express Line

Fingerprinting and Criminal History Background Checks

February 10th
1:30 pm – 3:30 pm

To Evaluate Online (Internet):
<http://www.dfa.state.ny.us>


