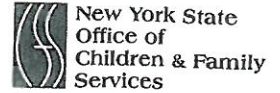




# One Call Can Make a Difference: Mandated Reporters in New York State



**T**his 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
- \* Hospital personnel engaged in the admission, examination, care, or treatment of persons
- \* Christian Science practitioner
- \* **School official, including (but is 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
- \* Day care center 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 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

**\* COACHES ARE NOW INCLUDED IN THIS LIST**

The entire current list can be found in Article 6, Title 6, Section 413 of the New York Social Services Law, which 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 role. "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.

## 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. However, the procedures to follow and the phone number to

call are different for mandated reporters than for the general public. (See "Where Do I Call to Make a Report?")

### **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: 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, e.g. 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.

## **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 to report abuse or maltreatment 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 form can be obtained by contacting your local CPS office or by accessing the New York State Office of Children and Family Services (OCFS) Web site at [www.ocfs.state.ny.us](http://www.ocfs.state.ny.us). LDSS-2221A is accessible in either Word or PDF format.

## **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.

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 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 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."

### *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 one of more than 200 providers authorized by the 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 licensed 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 this mandated reporter training through a contractual agreement with the Center for Development of Human Services (CDHS), part of the Research Foundation of SUNY, Buffalo State College. For more information on these training offerings, visit OCFS's Mandated Reporter Training Resource Center Web site at [www.nysmandatedreporter.org](http://www.nysmandatedreporter.org). All trainings offered through OCFS are at no cost to the participant.

OCFS also offers periodic satellite video-conferences, broadcast through the New York Network and a two-day Training for Trainers program. OCFS also is currently providing a Web-based training program.

## 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 Child Protective Services 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 will enable CPS to better understand how to work more effectively with you.

By working together, we can better protect our vulnerable children. For more information go to:

[www.ocfs.state.ny.us](http://www.ocfs.state.ny.us)



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