
Mandated Reporter Training:

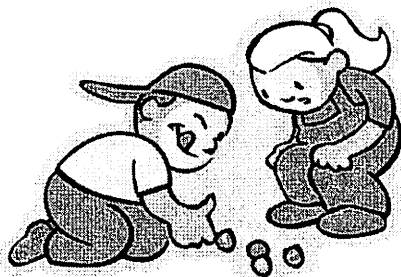
Identifying and Reporting Child Abuse and Maltreatment/Neglect (CARR Workshop)



Mandated Reporter Training:

Identifying and Reporting Child Abuse and Maltreatment/Neglect

(CARR Workshop)



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Latham, New York

This mandated workshop is intended for all SUNY Cortland students who are completing a teacher education program and satisfies New York State requirements for Child Abuse Recognition and Reporting upon successful completion.



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Training Objectives

After attending this training, participants will be able to:

- * Effectively report child abuse or maltreatment/neglect to the New York State Central Register (SCR) of Child Abuse and Maltreatment, also known as the Child Abuse Hotline.
- * Evaluate situations to determine whether there is reasonable cause to suspect child abuse or maltreatment/neglect.
- * Identify the physical and behavioral indicators commonly associated with child abuse and maltreatment/neglect.
- * Describe the legal framework for the New York State Child Protective System.

Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



Training Overview

I. Introduction to Training

- A. Welcome
- B. Mandated Reporters Quiz (if applicable)

II. Background of the Child Protective Services System

III. Mandated Reporters

- A. Who Are Mandated Reporters?
- B. The Role of Mandated Reporters

IV. Legal Framework

- A. Immunity from Liability
- B. Confidentiality
- C. Penalties for Failure to Report
- D. CPS Investigator Request for Records

V. What is Child Abuse and Maltreatment/Neglect?

- A. Definitions
 - 1. Child
 - 2. Abuse
 - 3. Maltreatment/Neglect
- B. Indicators
- C. Talking with Children
- D. Who Can Be Reported?
- E. Reasonable Cause to Suspect
- F. Imminent Danger

VI. Exercises

- A. Evaluating Your Response
- B. Case Scenarios Exercise

VII. Making the Call

- A. Non-CPS Calls
- B. Following up the Call

VIII. Local CPS Response

IX. Summary and Wrap-up



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Mandated Reporter Quiz

1. Mandated reporters are required to make an oral report of suspected child abuse or maltreatment/neglect immediately and the person in charge must submit written report (LDSS 2221-A) within seventy-two hours. T F
2. A mandated reporter should have clear and sufficient evidence before reporting any allegations of abuse or maltreatment/neglect. T F
3. In New York State, a maltreated child is under the age of sixteen, while an abused child is anyone under the age of eighteen. T F
4. Day care center workers can be reported to the State Central Register when they mistreat a child in their classroom. T F
5. If a child discloses sexual abuse, be sure to interview the child thoroughly to obtain a detailed affidavit for court. T F
6. If you have notified the person designated to report in your agency and you learn a call was not made to the SCR, your obligation as a mandated reporter has been fulfilled. T F
7. A mandated reporter would be liable only if the original report was later determined unfounded. T F
8. If a mandated reporter has a reasonable cause to suspect that a child is being maltreated/neglected and fails to report, this would be considered a class A misdemeanor. T F
9. When a mandated reporter makes a report to the New York State Central Register, every effort is made to maintain confidentiality. T F
10. Mandated reporters are required to inform the parents that a suspected child abuse or maltreatment/neglect report is being made. T F



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Mandated Reporter Quiz Answer Key

1. **False** — A mandated reporter is required to make an oral report immediately and to submit the LDSS 2221-A form within forty-eight hours.
2. **False** — A mandated reporter only needs to have a reasonable cause to suspect when reporting allegations of abuse and maltreatment.
3. **False** — In New York State, an abused or maltreated child must be under the age of eighteen years.
4. **False** — Public school teachers are not subjects of child abuse/maltreatment reports. A teacher mistreating a child is considered a criminal matter.
5. **False** — Mandated reporters should not be investigating suspicions or interrogating the child. Once you establish there is a reasonable cause to suspect, contact the State Central Register immediately.
6. **False** — Your obligation as a mandated reporter has not been fulfilled. You are required to make a report or cause a report to be made to the State Central Register.
7. **False** — The mandated reporter's immunity from liability remains intact irrespective of the outcome of the investigation.
8. **True**
9. **True**
10. **False** — Mandated reporters are not required to discuss with the family the fact that they are making a report to the State Central Register.



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Mandated Reporters SSL § 413

The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge, facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child:

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

Penalties for Failure to Report SSL § 420

- 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.

Immunity from Liability SSL § 419

Any person, official, or institution participating in good faith in the providing of a service pursuant to section four hundred twenty-four of this title, 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 criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official or institution required to report cases of child abuse or maltreatment or providing a service pursuant to section four hundred twenty-four with sections twenty, four hundred twenty-two and four hundred twenty-two-a of this chapter of this title shall be presumed, provided such person, official or institution was acting in the discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



Child Abuse Family Court Act Section 1012 (e)

An abused child is a child whose parent or other person legally responsible:

- * Inflicts or allows to be inflicted upon a child an injury*

OR

- * Creates or allows to be created a substantial risk of physical injury* to that child

OR

- * Commits or allows to be committed against that child a sexual crime as defined in section 230.25, 230.30, 230.32, 255.25 or 263 of the penal law

*In this context, the term injury means serious or protracted disfigurement, protracted impairment of physical, mental or emotional health, protracted loss or impairment of the function of any bodily organ or death.

Maltreatment/Neglect Family Court Act Section 1012 (f)

- A. Child's **physical, mental, or emotional condition must have been impaired** or placed in imminent danger of impairment

AND

- B. **The subject failed to exercise a minimum degree of care:**

1. In supplying adequate food, clothing, or shelter
2. In supplying adequate education
3. In supplying medical or dental care though financially able to do so OR offered financial or other reasonable means to do so
4. In providing proper supervision or guardianship
5. By inflicting excessive corporal punishment
6. By misuse of drugs or alcohol

AND

- C. There is a **causal connection** between the child's condition and the **subject's failure to exercise a minimum degree of care.**

OR

- D. The parent has abandoned the child by demonstrating an intent to forego his/her parental rights.

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Physical Abuse

Child's Physical Indicators

Unexplained bruises and welts

- On face, lips, mouth
- On torso, back, buttocks, thighs
- In various stages of healing
- Clustered, forming regular patterns, reflecting shape of article used to inflict (electric cord, belt buckle)
- On several different surface areas
- Regularly appear after absence, weekend, or vacation

Unexplained fractures

- To skull, nose, facial structure
- In various stages of healing
- Multiple or spiral fractures
- Swollen or tender limbs

Unexplained burns

- Cigar, cigarette burns, especially on soles, palms, back, and buttocks
- Immersion burns (sock-like, glove-like, doughnut-shaped on buttocks or genitalia)
- Patterned like electric burner, iron, etc.
- Rope burns on arms, legs, neck, or torso

Unexplained lacerations or abrasions

- To mouth, lips, gums, eyes
- To external genitalia
- On backs of arms, legs, or torso
- Human bite marks
- Frequent injuries that are "accidental" or unexplained

Child's Behavioral Indicators

- Wary of adult contact
- Apprehensive when other children cry
- Behavioral extremes: aggressiveness, withdrawal, changes in behavior
- Frightened of parents
- Afraid to go home
- Reports injury by parents
- Wears long-sleeved or similar clothing to hide injuries
- Seeks affection from any adult

Parent's Behavioral Indicators

- Seems unconcerned about child
- Takes an unusual amount of time to obtain medical care for the child
- Offers an inadequate or inappropriate explanation for the child's injury
- Gives different explanations for the same injury
- Misuses alcohol or other drugs
- Disciplines the child too harshly considering the child's age or what he/she did wrong
- Sees the child as bad, evil, etc.
- Has a history of abuse as a child
- Attempts to conceal the child's injury
- Takes the child to a different doctor or hospital for each injury
- Has poor impulse control

H-4 Target Area for Physical Abuse

The area from the back of the neck to the back of the knees is a primary target zone for soft tissue injuries.¹ The back of the arms and hands is an area where children suffer injuries while trying to defend themselves. Seventy percent of non-accidental injuries occur in this area, making it a suspicious area for bruises and welts.²

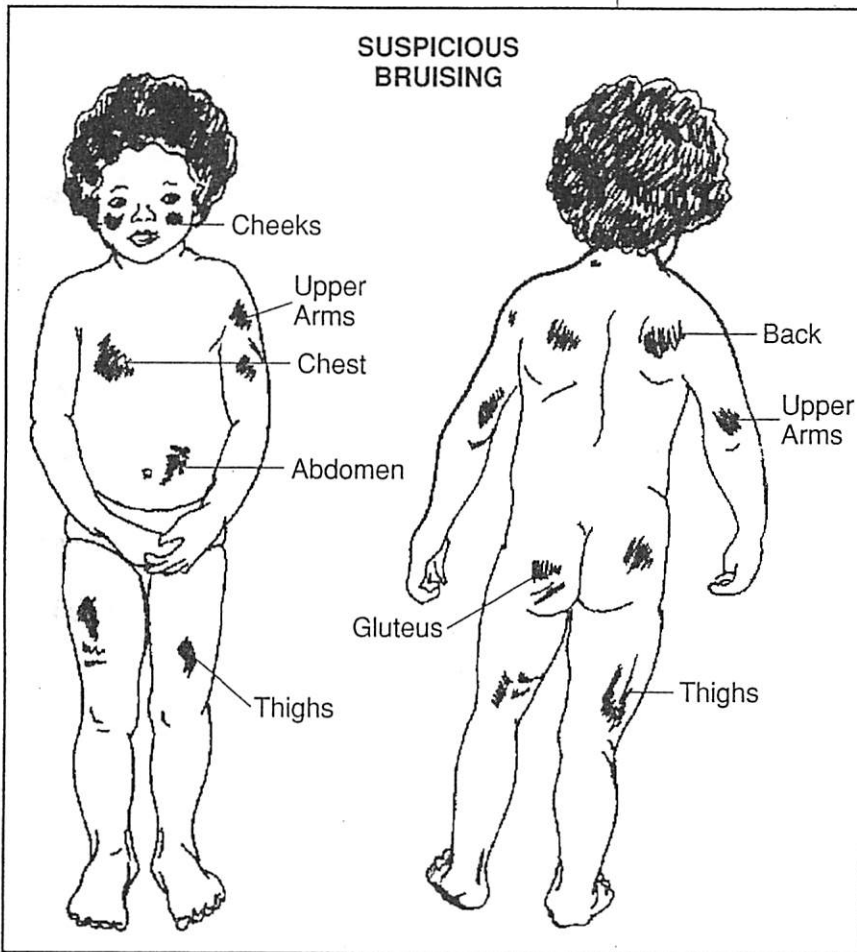


Illustration 33:
Suspicious Area
for Bruises

33

H-5 Section H Endnotes

1. Mead, James J.; Balch, Glenn, M.; Maggio, E. *Investigating child abuse*. Fulerton, CA: RC Law & Co., Inc., P. 48.

2. Ibid.





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Maltreatment/Neglect

Child's Physical Indicators

- Consistent hunger, poor hygiene, inappropriate dress
- Consistent lack of supervision, especially in dangerous activities or long periods
- Unattended physical problems or medical or dental needs
- Abandonment

Child's Behavioral Indicators

- Begging or stealing food
- Extended stays in school (early arrival and late departure)
- Attendance at school infrequent
- Constant fatigue, falling asleep in class
- Alcohol and drug abuse
- States there is no caretaker

Parent's Behavioral Indicators

- Misuses alcohol or other drugs
- Has disorganized, upsetting home life
- Is apathetic, feels nothing will change
- Is isolated from friends, relatives, neighbors
- Has long-term chronic illness
- Cannot be found
- Has history of neglect as a child
- Exposes child to unsafe living conditions
- Evidences limited intellectual capacity

Emotional Maltreatment

Child's Physical Indicators

- Conduct disorders (fighting in school, anti-social, destructive, etc.)
- Habit disorders (rocking, biting, sucking fingers, etc.)
- Neurotic disorders (speech disorders, sleep problems, inhibition of play)
- Psychoneurotic reactions (phobias, hysterical reactions, compulsion, hypochondria)
- Lags in physical development
- Failure to thrive

Child's Behavioral Indicators

- Overly adaptive behavior (inappropriately adult or inappropriately infantile)
- Developmental delays (mental, emotional)
- Extremes of behavior (compliant, passive, aggressive, demanding)
- Suicide attempts or gestures, self-mutilation

Parent's Behavioral Indicators

- Treats children in the family unequally
- Doesn't seem to care much about child's problems
- Blames or belittles child
- Is cold and rejecting
- Inconsistent behavior toward child



Sexual Abuse

Child's Physical Indicators

- Difficulty in walking or sitting
- Torn, stained, or bloody underclothing
- Pain or itching in genital area
- Pregnancy, especially in early adolescent years
- Bruises or bleeding in external genital, vaginal, or anal areas
- Sexually transmitted disease (especially in pre-adolescent age group), includes venereal oral infections

Child's Behavioral Indicators

- Unwilling to change for or participate in physical education class
- Withdrawal, fantasy, or infantile behavior
- Bizarre, sophisticated, or unusual sexual behavior or knowledge
- Self-injurious behaviors, suicide attempts
- Poor peer relationships
- Aggressive or disruptive behavior, delinquency, running away, or school truancy
- Reports sexual assault by caretaker
- Exaggerated fear of closeness or physical contact

Parent's Behavioral Indicators

- Very protective or jealous of child
- Encourages child to engage in prostitution or sexual acts in the presence of caretaker
- Misuses alcohol or other drugs
- Is geographically isolated and/or lacking in social and emotional contacts outside the family
- Has low self-esteem



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Talking with Children

Do:

- Find a private place.
- Remain calm.
- Be honest, open, and up-front with the child.
- Remain supportive.
- Listen to the child.
- Stress that it's not the child's fault.
- Report the situation immediately.

Don't:

- Overreact.
- Make judgments.
- Make promises.
- Interrogate child or try to investigate. This is especially important in sexual abuse cases.

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Reasonable Cause to Suspect

Certainty or proof is not required before reporting suspected child abuse or neglect. The law purposely requires only "reasonable cause to suspect" that a child is abused or maltreated.

A reasonable cause to suspect means that based on what you have observed or been told, combined with your training and experience, you feel that harm or imminent danger of harm to the child could be the result of an act or omission by the person legally responsible for the child. Explanations that are inconsistent with your observations and/or knowledge may be a basis for your reasonable suspicion.

Information for an Oral Report

Mandated Reporter Hotline telephone number 1-800-635-1522

Web page: www.ocfs.ny.us

At the time of the oral report, the Child Protective Services (CPS) specialist will request the following:

- The effect on the child
- The names and addresses of the child and the parents or other person responsible for his/her care
- Location of the child at the time of the report
- The child's age, gender, and race
- The nature and extent of the child's injuries, abuse, or maltreatment, including any information of prior injuries, abuse, or maltreatment to the child or his/her siblings
- The name of the person or persons you suspect is responsible for causing the injury, abuse, or maltreatment/neglect
- Family composition
- Any special needs or medications
- Whether an interpreter is needed
- The source of the report
- The person making the report and where she/he can be reached
- The actions taken by the reporting source, including the taking of photographs or x-rays, removal or keeping of the child, or notifying the medical examiner or coroner
- Any personal issues for CPS workers (weapons, dogs, etc.)
- Any additional information that may be helpful

A reporter is not required to know all of the above information in making a report; therefore, lack of complete information does not prohibit a person from reporting. However, information to locate a child is crucial. Persons should report all incidents of suspected child abuse and maltreatment/neglect and provide as much information as possible to the CPS Specialist.

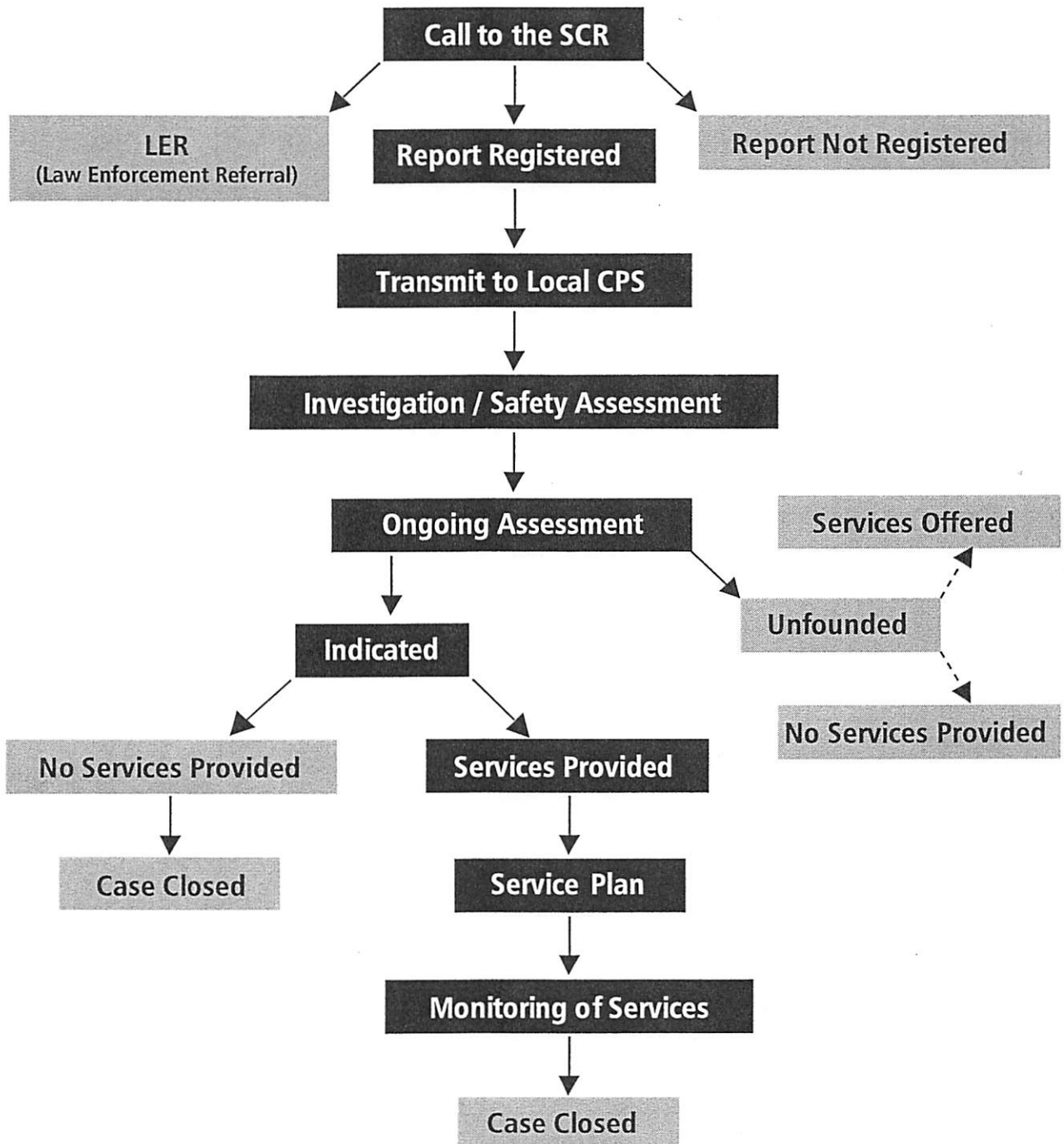
Form LDSS-2221-A must be submitted by the person in charge, or the designated agent, within 48 hours to the appropriate local Child Protective Services office.

To obtain a downloaded copy of the 2221-A go to www.ocfs.state.ny.us.



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New York State Child Protective Services System



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



Making the Call

Reporting Center Phone Numbers

State Central Register for Child Abuse and Maltreatment

Mandated Reporter Telephone Number 1-800-635-1522

Use this number when reporting suspicions within your professional capacity.

Non-Mandated Telephone Number 1-800-342-3720

Use this number when reporting suspicions outside your professional capacity.

People in Monroe County may call a local reporting number: 1-585-461-5690

People in Onondaga County may call a local reporting number: 1-315-422-9701

NYS Support & Resources

New York State Office
of Children and Family Services
(518) 473-7793
<http://www.ocfs.state.ny.us/main/>

Prevent Child Abuse New York Helpline
English and Spanish
(800) 342-7472 — 24 hrs.
www.preventchildabuseny.org

New York State Domestic Violence Hotline
(800) 942-6906 English
(800) 942-6908 Spanish
www.opdv.state.ny.us



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Reasonable Cause to Suspect: Scenario A

A female student, 15, has come to you and disclosed that she has been engaging in sexual intercourse with her mother's 38-year-old boy friend for the past two months. The boyfriend has resided in the home with the child and her mother for the past five years and is responsible for the care of the child when the mother is at work.

- What indicators are present?

- Is there reasonable cause to suspect abuse or maltreatment?

- Is there a parent or other person responsible for the suspected abuse or maltreatment?

- What are your next steps?



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Reasonable Cause to Suspect: Scenario B

A teacher observes seven-year old Chris with a bruise to the right side of his face and scrapes along his right arm. Chris claims he fell off his bike. The child lives with his mother, a single parent. Chris is a very active child and at times can present challenging behaviors in the classroom.

- What indicators are present?
- Is there reasonable cause to suspect abuse or maltreatment?
- Is there a parent or other person responsible for the suspected abuse or maltreatment?
- What are your next steps?



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Reasonable Cause to Suspect: Scenario C

Mary, a bright and outgoing third-grade child in your class, has recently become quiet and withdrawn. The child has also been coming to school late and in a disheveled state. Usually well prepared, her homework of late is not complete. In talking to Mary you learn that Mary's mom recently took a new job, requiring her to work late hours, leaving Mary in the care of an older sibling who is rarely home to supervise Mary. Mary has been getting herself up in the morning, preparing her own breakfast, and getting herself to school. The mother gets angry with the children if they wake her up to help with homework or to prepare a meal. You have attempted to contact Mary's mother to help resolve this situation, but she has not returned your calls or responded to notes sent home.

- What indicators are present?
- Is there reasonable cause to suspect abuse or maltreatment?
- Is there a parent or other person responsible for the suspected abuse or maltreatment?
- What are your next steps?



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Reasonable Cause to Suspect: Scenario D

A special education teacher observes how Susan, a severely developmentally delayed 14-year-old student, changed her behavior lately. Susan cries often, grabs at the genitalia of her classmates, and she refuses to participate in school activities, even in arts and crafts, which she loved before. The teacher calls her mother, who states that Susan is just in a "bad mood." The teacher also finds out that Susan's maternal uncle is now in the home and takes care of Susan when her mother goes to work. Susan has refused to talk about her uncle or why she is upset. Susan's verbal skills are very limited and she might require an interpreter.

- What indicators are present?
- Is there reasonable cause to suspect abuse or maltreatment?
- Is there a parent or other person responsible for the suspected abuse or maltreatment?
- What are your next steps?



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Reasonable Cause to Suspect: Answer Key

SCENARIO A

- What indicators are present?
Sexual abuse and verbal disclosure (non-accidental)
- Is there a reasonable cause to suspect abuse or maltreatment?
Yes
- Is there a person responsible for the suspected abuse or maltreatment?
38-year-old boyfriend (an adult living in the home)
- What are your next steps?
Call in report to SCR or cause a report to be made, following established protocol for your school.

SCENARIO B

- What indicators are present?
Bruises, scrapes
- Is there a reasonable cause to suspect abuse or maltreatment?
No, the story is consistent with a bike injury. Injuries sustained in an accidental fall would usually be along one side of the child's body.
- Is there a person responsible for the suspected abuse or maltreatment?
No
- What are your next steps?
Provide appropriate first aid. If agency policy requires, notify the parents.

SCENARIO C

- What indicators are present?
Disclosure, lack of supervision, inadequate guardianship (failure to provide a minimum degree of care)
- Is there a reasonable cause to suspect abuse or maltreatment?
Yes
- Is there a person responsible for the suspected abuse or maltreatment?
Mother
- What are your next steps?
Call in report to SCR, or cause a report to be made, using established school protocols.

SCENARIO D

- What indicators are present?
Change in child's behavior: quiet, withdrawn, cries easily. Sexual behaviors inappropriate for the child's age; promiscuous behavior; lack of trust with significant others; refusal to talk to teacher.
- Is there a reasonable cause to suspect abuse or maltreatment?
Yes
- Is there a person responsible for the suspected abuse or maltreatment?
Maternal uncle or mother
- What are your next steps?
 - Call in report to SCR, or cause a report to be made, following established protocol for your school.
 - Include any relevant information regarding child's developmental status.



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Evaluating Your Response

Please evaluate the following cases and rate them by category.

Category A This should be left to the family.

Category B Assistance to seek community agency or resource as appropriate.

Category C Report to State Central Register (SCR).

Category D Call the police immediately.

Case 1 Juanita, age eight, stole some small articles from the local drug store. Her mother spanked her, causing bruises and welts.

Case 2 Rasheem, age 12, has missed 37 days of school so far this year. It is February, and you are concerned he will be held back because of this. Rasheem had attendance problems and failed last year. When making a home visit, you find him home with numerous younger siblings who are fighting and injuring each other. Rasheem cannot control them and the situation is chaotic and alarmingly out of control. Rasheem has no idea where his mother is or when she will return.

Case 3 At times, the Shaw girls come to school appearing to be hungry. On numerous occasions they have no lunch. The days they do have lunch, it is often not enough. Other than this, the girls are well loved and cared for. The girls are typically quiet, private children, but in talking to them you learn that their father does seasonal work and is often between jobs. Your school offers a breakfast and lunch program that the family might qualify for.

Case 4 Keisha age 12 and D'ante age 10 recently missed two weeks of school when their grandmother took them to Disney World. The children are both excellent students and should not have a problem catching up on the work they missed.



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Evaluating Your Response Answer Key

Category A This should be left to the family.

Category B Assistance to seek community agency or resource as appropriate.

Category C Report to State Central Register (SCR).

Category D Call the police immediately.

Case 1 C — Report this to the SCR.

Case 2 D, then C — The situation is chaotic and out of control.
Call the police and then the SCR.

Case 3 B — Provide a referral to the school lunch program.

Case 4 A — The situation does not require any intervention at this point.

Applicable Laws

Contents:

An overview of the Social Services Law as amended October, 2007

An overview of the Education Law

Side-by-Side comparison of Both Laws

Social Services Law Article VI, Title VI

Education Law Article 23-B

Also included: Advice to local leaders, Available Resources, Child Abuse in an Educational Setting Report Form, Suspected Child Abuse or Maltreatment-Social Services Report Form

Child Abuse

Mandatory Reporting Requirements for School Employees

Abused and neglected children may be found in any classroom in any community. School personnel are in a unique position to observe children daily over periods of time and may be aware that something is not right with a child long before anyone else notices. Local leaders and members are often faced with questions and problems regarding who must report suspected child abuse to whom and under what circumstances.

This information bulletin provides the legal requirements for school employees and includes changes to New York State Social Services Law as amended by Chapter 193 of the Laws of 2007, effective October, 2007. Chapter 193 defines the term school official, requires mandated reporters to directly report instances of suspected child abuse to the Central Register and inform the person in charge of the school, prohibits a school from retaliation against an employee making a referral and from imposing any condition, including approval or prior notification, upon an employee specifically required by social services law to make direct reports.

There are two ways school employees may be involved in child abuse reporting.

1. They have a reasonable cause to suspect a child is the victim of abuse or maltreatment by someone in parental relation to the child. (Covered by the Social Services Law)
2. They witness or receive allegations of child abuse by an employee or volunteer in an educational setting. (Covered by the Education Law)

****the following information was provided in an Information Bulletin produced by NYSUT, A Union of Professionals, No.200713**

Social Services Law - Child Protective Services Act
(Abuse or maltreatment by those in parental relation to the child)

New York's Social Services Law (Article VI, Title VI) requires certain school employees to report allegations of child abuse when they have reasonable cause to suspect a child coming before them is abused or maltreated, or if a parent or person legally responsible for the child, comes before the employee in his or her professional capacity and states from personal knowledge facts or conditions which, if correct, would identify the child as an abused or maltreated child.

- 1. Q. Which school employees are required to report cases of suspected abuse or maltreatment under the Social Services Law?**
 - A. Although anyone may report child abuse or maltreatment, and is encouraged to do so, the following school employees are mandated reporters: teachers, guidance counselors, school psychologists, school social workers, school nurses, school administrators, licensed psychologists, registered nurses, licensed social workers, licensed creative arts therapists, licensed mental health therapists, mental health professionals and other school personnel required to hold a teaching or administrative license or certificate. Teaching Assistants are not listed but would probably be considered mandated reporters.

- 2. Q. What is an "abused child" under the Social Services Law?**
 - A. For children not living in residential care facilities, the Social Services Law (§412) defines an abused child as a child less than 18 years of age whose parent or other person legally responsible for his/her care:
 - Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of a function of any bodily organ; or
 - Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
 - Commits or allows to be committed a sex offense (as defined in the Penal Law) against such child; or
 - Allows, permits or encourages such child to participate in prostitution; or
 - Commits an act of incest with the child; or

- Involves a child in sexual performances.

3. Q. What is a “maltreated child” under the Social Services Law?

A. A maltreated child is a child less than 18 years of age (a) who has been abandoned, or (b) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his or her care to exercise a minimum degree of care in the following:

- In supplying the child with adequate food, clothing, shelter, education or medical care though financially able to do so or offered other means of doing so; or
- In providing the child with proper supervision by unreasonably inflicting or allowing to be inflicted harm or a substantial risk thereof, including the infliction of excessive corporal punishment, or by misusing drugs or alcoholic beverages to the extent that he or she loses self-control over his or her actions or any other acts of a similarly serious nature requiring the aid of the court.

A maltreated child also includes one who has had serious physical injury inflicted upon him by other than accidental means.

4. Q. What is reasonable cause to suspect child abuse or maltreatment?

A. “Reasonable cause” is not defined in the law. Reporters should use their observations, common sense, professional training, and experience to make their judgments.

5. Q. How can school employees recognize child abuse and maltreatment?

A. Although these indicators are not diagnostic criteria of child abuse, neglect or maltreatment, they illustrate important patterns that may be recorded in the written report when relevant.

Some indicators of 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);
- Destructive, aggressive, or disruptive behavior;
- Passive, withdrawn, or emotionless behavior; and
- Fear of going home or fear of parent(s).

Some indicators of maltreatment can include:

- Obvious malnourishment, listlessness, or fatigue;
- Stealing or begging for food;
- Untreated need for glasses, dental care, or other medical attention;
- Child inappropriately left unattended or without supervision; and
- Frequent absence from or tardiness to school.

6. Q. How does a school employee-reporter make a report concerning a child enrolled in the school?

- A. As soon as you have a reasonable cause to suspect abuse or maltreatment, you must report your concerns immediately by telephone to the New York State Central Register of Child Abuse and Maltreatment (SCR). Oral reports to the hotline must be followed within 48 hours by a written report on Form LDSS-2221A to the local Child Protective Service (CPS). A copy of this mandated reporter form (see page 36 of this IB) 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. Be sure to ask the SCR specialist for the "Call I.D." assigned to the report you have made.

After making the report to the SCR you must immediately notify the "person in charge" of the school that you have made a report. This notification should be made in a manner that can be verified (e.g. e-mail). Provide them with the "Call I.D." you were given by the SCR specialist. The person in charge of the school may not prevent you from making a report and the law designates the person in charge of the institution as responsible for all subsequent follow-up administration necessitated by the report.

7. Q. What if your school district has a policy directing employees to report suspected abuse or maltreatment only to a supervisor, and not to make reports directly to the Central Register?

- A. Any such policy has been superseded by the Social Services Law as amended by Chapter 193 of the Laws of 2007 which requires school employee reporters

to report directly to the Central Register. This amendment strictly prohibits the school from retaliatory action against mandated reporters who make a report, and from imposing conditions upon their employees who are mandated reporters, including prior approval or notification.

8. **Q. What should the report to the New York State Central Register of Child Abuse and Maltreatment include?**
 - A. The report must include the name, title and contact information for every staff person of the school who is believed to have direct knowledge of the allegations in the report. The report should contain the information listed in § 415 of the Social Services Law, which includes names and addresses of the child and parents, names of alleged abusers, nature of the abuse or injuries, etc.

9. **Q. Is a mandated reporter required to report suspected child abuse or maltreatment no matter how it comes to the reporter's attention?**
 - A. As stated above, any person may report suspected abuse or maltreatment. A mandated reporter must make such a report in two instances: (1) where there is reasonable cause to suspect that a child coming before the reporter in the reporter's professional or official capacity is abused or maltreated; and (2) where the parent, guardian, custodian or other person legally responsible for a child comes before the reporter in the reporter's professional or official capacity and states from personal knowledge, facts, conditions or circumstances which fit the definition of abuse or maltreatment.

10. **Q. Are reports confidential?**
 - A. Yes. Section 422 (Title VI) of the Social Services Law makes clear that all reports are confidential though written reports can be demanded by law enforcement agencies and courts. The law prohibits "any release, disclosure or identification of the names or identifying descriptions of persons who have reported suspected child abuse or maltreatment to the statewide central register or the agency, institution, organization, program or other entity where such persons are employed ... without such persons' written permission except" to law enforcement agencies and courts. Willful disclosure of confidential written records to a person not authorized to receive or review such record is a Class A misdemeanor.

11. **Q. What protection from liability exists if a mandated reporter is sued for making a report?**
 - A. If a mandated reporter makes a report in good faith, he or she is protected from any criminal or civil liability that might otherwise result by reason of such actions. The good faith of a mandated reporter is presumed, so long as he or

she acted in the discharge of his or her duties and within the scope of employment.

12. Q. Are there penalties for failure to report?

A. Anyone who is mandated to report suspected child abuse or maltreatment - and fails to do so - could be charged with a Class A misdemeanor. Further, mandated reporters can be sued in a civil court for monetary damages for any harm caused by their failure to make a report to the New York State Central Register of Child Abuse and Maltreatment.

13. Q. How can mandated school employees contact the Central Register?

A. An oral telephone report can be made to the New York State Central Register of Child Abuse and Maltreatment by calling the toll-free telephone number: 1-800-635-1522. Telephone reports must be followed by a written report, on the official form, within 48 hours, made to the local Child Protective Service.

Education Law - Project SAVE

(Abuse by employee or volunteer in an educational setting)

New York State's school violence prevention law, entitled Project SAVE (Safe Schools Against Violence in Education), prescribes specific procedures to promote a safer learning environment. The Education Law (Article 23-B) requires all school districts to develop, maintain, and disseminate written policies and procedures on reporting of child abuse. In addition, every school board is required to offer training for all current and new school employees regarding these policies and procedures. A component of this law requires school employees to report allegations of child abuse in an educational setting.

1. Q. Which school employees are required to report allegations of child abuse in an educational setting?

A. The law imposes reporting requirements on teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate, who receive an oral or written allegation that a school employee or volunteer has engaged in child abuse in an educational setting.

2. Q. What is child abuse in an educational setting?

A. The Education Law (§ 1125) defines "child abuse" as any of the following acts committed in an educational setting by an employee or volunteer against a child:

- intentional or reckless infliction of physical injury, serious physical injury or death, or
- engaging in conduct creating a substantial risk of above injury, or death, or
- child sexual abuse (sex with a child or use of children in sexually explicit films, photos, or other performances), or
- dissemination of indecent materials to minors.

3. Q. What is an educational setting?

A. The law defines “educational setting” as the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

4. Q. How does the Education Law define “child”?

A. The Education Law defines a child as a person under the age of 21, enrolled in a school district in this state, other than New York City which has its own reporting requirements.

5. Q. How does the Education Law define “employee”?

A. The Education Law defines an employee as any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

6. Q. How does the Education Law define “volunteer”?

A. The Education Law defines a volunteer as any person, other than an employee, who provides services to a school or school district, which involve direct student contact.

7. Q. Are mandated reporters required to report only those incidents they witness?

A. No. Mandated reporters must also report oral or written allegations they receive, of child abuse by an employee or volunteer in an educational setting.

8. Q. What protection from liability attaches if a mandated reporter is sued for making an allegation of abuse or maltreatment?

A. A mandated reporter reporting an allegation reasonably and in good faith is protected from civil liability.

9. Q. What are the reporting requirements?

A. Mandated reporters must promptly complete the "Child Abuse in an Educational Setting" report form. (Forms can be obtained from the building principal.) Upon completion of the report form, the employee must personally deliver it to the administrator (usually the principal) of the school in which the abuse allegedly occurred. The principal and the superintendent are the only persons in the school district authorized by the law to receive these written report forms. If the allegation involves a child who was allegedly abused by an employee or a volunteer of a school in another school district, the reporter must promptly forward the report form to the superintendent of the school district where the act(s) of child abuse allegedly occurred and the superintendent of the school district where the child attends, if different.

10. Q. What happens if the mandated reporter does not report the allegation of abuse?

A. Willful failure of a mandated reporter to prepare and submit a report form is a Class A misdemeanor (punishable by a fine of up to one thousand dollars or a term of imprisonment for a period of up to one year, or both).

Child Abuse in an Educational Setting: More on Reporting Requirements

Expunging the File

A report that does not, after investigation by law enforcement, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as such school or school district determines.

Penalty Provisions

The requirements set forth within the law are mandatory. Willful failure of an employee to prepare and submit a report form as required by the law is a Class A misdemeanor. The law also provides that a willful failure of a school building administrator or superintendent to forward a copy of the report form to the appropriate law enforcement authority is a

Class A misdemeanor. In addition, the Commissioner of Education can fine a school building administrator or a superintendent up to \$5,000 for failure to forward a copy of the completed report form to the appropriate law enforcement authorities.

Provisions Protecting Reporters from Liability

The law provides protection from civil liability for employees, volunteers, school building administrators and superintendents who reasonably and in good faith make a report of child abuse in an educational setting in the manner described in the law. The law also provides protection from civil liability to school building administrators and superintendents who reasonably and in good faith forward a copy of the report form to a person or agency as required by law and in the manner described in the law.

Confidentiality of Records

In general, the only persons authorized to receive the written report form and any related materials are the school building administrator and the superintendent. The law requires that all reports, records, photographs and other material submitted remain confidential and not be disclosed except to law enforcement authorities involved in the criminal investigation of child abuse in an educational setting, as expressly authorized by law, or pursuant to a court-ordered subpoena. Willful disclosure of confidential written records to a person not authorized to receive or review such record is a Class A misdemeanor. The law requires that school building administrators and superintendents exercise reasonable care to prevent unauthorized disclosure.

Duties of District Attorneys

Where a criminal investigation is undertaken in response to a report forwarded to the appropriate law enforcement authorities, and after the district attorney is asked for assistance, he or she must notify the superintendent of the school district where the acts of child abuse occurred and the superintendent of the school district where the child attends, if different, of the following:

- an indictment or filing of any accusatory instrument against the employee or volunteer;
- the disposition of the criminal case; or,
- the suspension or termination of the investigation.

Where a criminal conviction is obtained for a crime involving child abuse in an educational setting by a licensed or certified school employee, the district attorney is required to notify the Commissioner of Education, as well as the superintendent of the school district in which the acts of child abuse occurred and the superintendent of the school district where the child attends, if different.

Duties of the Commissioner of Education

Upon receiving a district attorney's notification of the conviction of a certificated individual, the Commissioner of Education must begin proceedings against the convicted individual pursuant to Part 83 of the Commissioner's regulations to determine whether the individual possesses good moral character. The determination may result in additional action taken against the individual related to his or her license or certification.

The Commissioner has also issued a special form that must be used for the recording and transmission of allegations of child abuse in educational settings.

The Commissioner and the Board of Regents have also promulgated a regulation which sets forth the training requirements relating to child abuse in an educational setting.

Unreported Resignations or Voluntary Suspensions

The law prohibits school building administrators or superintendents from agreeing to withhold from the appropriate law enforcement authorities, a superintendent or the Commissioner of Education, where appropriate, an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by law, in return for the resignation or voluntary suspension of the alleged perpetrator. Violation of this prohibition can result in a class E felony charge and a civil penalty of up to \$20,000.

Child Abuse Reporting – Mandated Actions		
	Social Services Law	Education Law
Allegations Against	Someone in parental relation to the child.	A school employee or volunteer in an educational setting.
NYSUT members likely to be identified as Mandated Reporters	Teachers, teaching assistants, guidance counselors, school psychologists, school social workers, school nurses, school administrators, and other school personnel required to hold a teaching or administrative license or certificate; licensed psychologists, registered nurses, licensed social workers, licensed creative arts therapists, licensed mental health therapists, mental health professionals.	Teachers, administrators, school nurses, school guidance counselors, school psychologists, school social workers, school board members and all other school personnel required to hold a teaching or administrative license or certificate.
Acts That Must be Reported	<p>For children not living in residential care facilities, the Social Services Law (§412) defines an abused child as a child less than 18 years of age whose parent or other person legally responsible for his/her care:</p> <ul style="list-style-type: none"> ➤ Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of a function of any bodily organ; or ➤ Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted 	<p>Acts committed in an educational setting by an employee or volunteer against a child:</p> <ul style="list-style-type: none"> ➤ intentional or reckless infliction of physical injury, serious physical injury or death, or ➤ engaging in conduct creating a substantial risk of above injury, or death, or ➤ child sexual abuse (sex with a child or use of children in sexually explicit films, photos, or other performances), or ➤ dissemination of indecent materials to minors.

	<p>impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or</p> <ul style="list-style-type: none"> ➤ Commits or allows to be committed a sex offense (as defined in the Penal Law) against such child; or ➤ Allows, permits or encourages such child to participate in prostitution; or ➤ Commits an act of incest with the child; or ➤ Involves a child in sexual performances. 	
Where to Report	<p>Notify the NYS Central Register of Child Abuse and Maltreatment hotline: 1-800-635-1522. Report to the individual in charge of the school (usually the school principal) or institution.</p>	School Principal
Confidentiality	<p>All reports are confidential and information about the reporter cannot be released, except to authorized persons, without the reporter's written permission. Disclosure of records to unauthorized persons is a Class A misdemeanor.</p>	<p>All reports are confidential and disclosure of records to unauthorized persons is a Class A misdemeanor.</p>
Liability for Reporting in Good Faith	None	None
Liability for Not Reporting	<p>Class A Misdemeanor and can be sued in a civil court for monetary damages for any harm caused by their failure to make a report.</p>	<p>Class A Misdemeanor - punishable by a fine of up to one thousand dollars or a term of imprisonment for a period of up to one year or both.</p>

Advice to Local Leaders

- Urge members to notify the union president or designated union representative of the report and/or phone contact. The purpose of this notification is to keep a record of such reports.

- Urge members to err on the side of caution and make a report if they suspect a child is the victim of abuse or maltreatment in accordance with the procedures outlined by the applicable law.
- Urge members to request CPS case # for their file when contacting CPS and consider checking with the person in charge to verify that they have followed-up with CPS.
- Remind members that reports are confidential and that no one can prevent them from reporting their suspicions to CPS. Also, social services law prevents employers from retaliatory action against employees that are mandatory reporters.
- Every district is required to develop and disseminate written policies regarding the mandatory reporting of child abuse or maltreatment. These issues may be dealt with in the district's safety plan, so local leaders should ensure that teachers and other school personnel are represented on the district-wide and building level school safety teams.
- Education Law §3209-a requires the establishment, maintenance and dissemination of district child abuse reporting policies, and requires on-going training of all personnel in those policies.

Resources

- NYSUT's Education and Learning Trust (ELT) offers programs on working with victims of child abuse, and bully prevention. Contact www.nysut.org to find out more about what is offered.
- New York State Center for School Safety has developed training materials entitled "Setting the Stage for Safer Schools."
- NYSUT Information Bulletin # 200102 - *Safe Schools Against Violence in Education Act*.
- NYSUT Briefing Bulletin # 7-17 - *Safe Schools Against Violence in Education Act (Project SAVE)*

Social Services Law (Chapter 193, Laws of 2007 changes appear in bold.)

Title 6 - CHILD PROTECTIVE SERVICES

411 - Findings and purpose.

412 - Definitions.

413 - **Persons and officials required to report cases of suspected child abuse or maltreatment.**

414 - Any person permitted to report.

415 - Reporting procedure.

416 - Obligations of persons required to report.

417 - Taking a child into protective custody.

418 - Mandatory reporting to and post-mortem investigation of deaths by medical examiner or coroner.

Effective Date: 12/14/2006

419 - Immunity from liability.

420 - Penalties for failure to report.

421 - Responsibility of the department.

422 - Statewide central register of child abuse and maltreatment.

422-A - Child abuse and neglect investigations; disclosure.

§ 411. Findings and purpose. Abused and maltreated children in this state are in urgent need of an effective child protective service to prevent them from suffering further injury and impairment. It is the purpose of this title to encourage more complete reporting of suspected child abuse and maltreatment and to establish in each county of the state a child protective service capable of investigating such reports swiftly and competently and capable of providing protection for the child or children from further abuse or maltreatment and rehabilitative services for the child or children and parents involved.

§ 412. Definitions. When used in this title and unless the specific context indicates otherwise:

1. An "abused child" means:

- (a) a child under eighteen years of age defined as an abused child by the family court act;
- (b) a child under the age of eighteen years who is defined as an abused child in residential care pursuant to subdivision eight of this section; or
- (c) a child with a handicapping condition, as defined in subdivision one of section forty-four hundred one of the education law, who is eighteen years of age or older, is in residential care in a school or facility described in paragraph (c), (d), (e) or (f) of subdivision seven of this section, and is defined as an abused child pursuant to subdivision eight of this section; provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is defined as an abused child pursuant to subdivision eight of this section, is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable;

2. A "maltreated child" includes:

- (a) a child under eighteen years of age not in "residential care" as defined in subdivision seven of this section:
 - (i) defined as a neglected child by the family court act, or
 - (ii) who has had serious physical injury inflicted upon him by other than accidental means; or
- (b) a child in residential care as defined in subdivision seven of this section who is: (i) under eighteen years of age, except that a child with a handicapping condition, as defined in subdivision one of section forty-four hundred one of the education law, who is eighteen years of

age or older, is in residential care in a school or facility described in paragraph (c), (d), (e) or (f) of subdivision seven of this section, provided that such term shall include a pupil with a handicapping condition in residential care in such a school or facility who is twenty-one years of age, and is entitled, pursuant to subdivision five of section forty-four hundred two of the education law, to remain in such school or facility until either the termination of the school year or the termination of the summer program, as applicable; and (ii) is a neglected child in residential care as defined in subdivision nine of this section;

3. "Person legally responsible" for a child means a person legally responsible as defined by the family court act;

4. "Subject of the report" means any parent of, guardian of, custodian of or other person eighteen years of age or older legally responsible for, as defined in subdivision (g) of section one thousand twelve of the family court act, a child reported to the central register of child abuse and maltreatment who is allegedly responsible for causing injury, abuse or maltreatment to such child or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child, or a director or an operator of or employee or volunteer in a home operated or supervised by an authorized agency, the division for youth, or an office of the department of mental hygiene or in a family day-care home, a day-care center, a group family day care home or a day-services program, or a consultant or any person who is an employee or volunteer of a corporation, partnership, organization or any governmental entity which provides goods or services pursuant to a contract or other arrangement which provides for such consultant or person to have regular and substantial contact with children in residential care who is allegedly responsible for causing injury, abuse or maltreatment to a child who is reported to the central register of child abuse or maltreatment or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child;

5. "Other persons named in the report" shall mean and be limited to the following persons who are named in a report of child abuse or maltreatment other than the subject of the report: the child who is reported to the central register of child abuse and maltreatment; and such child's parent, guardian, custodian or other person legally responsible for the child who have not been named in the report as allegedly responsible for causing injury, abuse or maltreatment to the child or as allegedly allowing such injury, abuse or maltreatment to be inflicted on such child; in the case of a report involving abuse or maltreatment of a child in residential care, such term shall be deemed to include the child's parent, guardian or other person legally responsible for the child who is not named in such report;

6. "Custodian" means a director, operator, employee or volunteer of a residential care facility or program;

7. "Residential care" means:

(a) care provided to a child who has been placed by the family court with a social services official or the state division for youth, or whose care and custody or custody and guardianship has been transferred or committed to, a social services official, another authorized agency, or the state division for youth and such care is provided in an agency operated boarding home, a group home or child care institution;

(b) care provided a child in a facility or program operated or certified by the state division for youth pursuant to article nineteen-G or nineteen-H of the executive law, excluding foster family care;

(c) care provided a child in the New York state school for the blind or the New York state school for the deaf, pursuant to the provisions of articles eighty-seven and eighty-eight of the education law;

(d) care provided a child in a private residential school which is within the state and which has been approved by the commissioner of education for special education services or programs;

(e) care provided in institutions for the instruction of the deaf and the blind which have a residential component, and which are subject to the visitation of the commissioner of education pursuant to article eighty-five of the education law;

(f) care provided through a residential placement of a child with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended; or

(g) care provided a child in a residential facility licensed or operated by the office of mental health or the office of mental retardation and developmental disabilities, excluding family care homes;

(h) care provided by an authorized agency licensed to provide both care enumerated in paragraph (a) of this subdivision and care provided a child in a residential facility licensed or operated by the office of mental health or the office of mental retardation and developmental disabilities, excluding family care homes.

8. "Abused child in residential care" means a child whose custodian:

(a) (i) inflicts any injury upon such child by other than accidental means which causes death, serious or protracted disfigurement, serious or protracted impairment of physical health, serious or protracted loss or impairment of the function of any organ, or a serious emotional injury; or

(ii) by their conduct and with knowledge or deliberate indifference allows any such injury to be inflicted upon such child; or

(b) (i) creates a substantial risk of any injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, protracted impairment of physical health, protracted loss or impairment of the function of any organ, or a serious emotional injury; or

(ii) by his or her conduct and with knowledge or deliberate indifference creates a substantial risk of such injury to such child; or

(c) commits, promotes or knowingly permits the commission of a sex offense against such child, as described in article one hundred thirty of the penal law; allows, permits or encourages such child to engage in any act described in article two hundred thirty of the penal law;

commits any of the acts described in section 255.25, 255.26 or 255.27 of the penal law; or allows or promotes or uses such child to engage in acts or conduct described in article two

hundred sixty-three of the penal law, provided, however, that (i) the corroboration requirements in the penal law and (ii) the age requirements for the application of articles one hundred thirty, two hundred thirty and two hundred sixty-three of such law and any age based element of any crime described therein shall not apply to the provisions of this title; or

(d) fails to comply with a rule or regulation involving care, services or supervision of a child promulgated by a state agency operating, certifying or supervising a residential facility or program, and such failure to comply results in death, serious or protracted disfigurement, serious or protracted impairment of physical health, or serious or protracted loss or impairment of the function of any organ where such result was reasonably foreseeable.

9. "Neglected child in residential care" means a child whose custodian:

(a) inflicts by act or omission physical injury, excluding minor injury, to such child by other than accidental means;

(b) creates a substantial risk of physical injury, excluding minor injury, to such child by other than accidental means; or

(c) fails to comply with a rule or regulation involving care, services or supervision of a child promulgated by a state agency operating, certifying, or supervising a residential facility or program, and such failure to comply results in physical injury, excluding minor injury, or serious emotional injury to such child where such result was reasonably foreseeable; or

(d) fails to meet a personal duty imposed by an agreed upon plan of prevention and remediation pursuant to this chapter or the mental hygiene law, the executive law or the education law,

arising from abuse or neglect of a child in residential care and such failure results in physical injury, excluding minor injury, or serious emotional injury or the risk thereof to the child; or (e) intentionally administers to the child any prescription drug other than in substantial compliance with a physician's, physician's assistant's or nurse practitioner's prescription.

10. "Institutionally neglected child in residential care" means a child whose health, safety or welfare is harmed or placed in imminent danger of harm as a result of a lack of compliance with applicable standards of the state agency operating, certifying or supervising such facility or program for the care and treatment of such child or an agreed upon plan of prevention and remediation pursuant to this chapter or the mental hygiene law, the executive law or the education law, arising from abuse or neglect of a child in residential care, including, but not limited to, the provision of supervision, food, clothing, shelter, education, medical, dental, optometric or surgical care.

11. An "unfounded report" means any report made pursuant to this title unless an investigation determines that some credible evidence of the alleged abuse or maltreatment exists;

12. An "indicated report" means a report made pursuant to this title if an investigation determines that some credible evidence of the alleged abuse or maltreatment exists.

13. "Substance abuse counselor" or "alcoholism counselor" means any person who has been issued a credential therefore by the office of alcoholism and substance abuse services, pursuant to paragraphs one and two of subdivision (d) of section 19.07 of the mental hygiene law.

§ 413. Persons and officials required to report cases of suspected child abuse or maltreatment.

1. * (a) The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child: any physician; registered physician 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; a Christian Science practitioner; school official, **which includes 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 defined in subdivision seven of section four hundred twelve of this title or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; peace officer; police officer; district attorney or assistant district attorney; investigator employed in the office of a district attorney; or other law enforcement official.

* NB There are 2 §(a)'s

* (a) Whenever such person is required to report under this title in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall **make the report as required by this title and immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title and contact information for every staff person of the institution who is believed to have direct knowledge**

of the allegations in the report. Nothing in this section or title is intended to require more than one report from any such institution, school or agency.

*** NB There are 2 §(a)'s**

*** (b) A medical or other public or private institution, school, facility or agency shall not take any retaliatory personnel action, as such term is defined in paragraph (e) of subdivision one of section seven hundred forty of the labor law, against an employee because such employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in accordance with this title. No school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff specifically required to report under this title. At the time of the making of a report, or at any time thereafter, such person or official may exercise the right to request, pursuant to paragraph (A) of subdivision four of section four hundred twenty-two of this title, the findings of an investigation made pursuant to this title or section 45.07 of the mental hygiene law.**

*** NB There are 2 §(b)'s**

*** (b) Social services workers are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child is an abused or maltreated child where a person comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.**

*** NB There are 2 §(b)'s**

2. Any person, institution, school, facility, agency, organization, partnership or corporation which employs persons mandated to report suspected incidents of child abuse or maltreatment pursuant to subdivision one of this section shall provide consistent with section four hundred twenty-one of this chapter, all such current and new employees with written information explaining the reporting requirements set out in subdivision one of this section and in sections four hundred fifteen through four hundred twenty of this title. The employers shall be responsible for the costs associated with printing and distributing the written information.

3. Any state or local governmental agency or authorized agency which issues a license, certificate or permit to an individual to operate a family day care home or group family day care home shall provide each person currently holding or seeking such a license, certificate or permit with written information explaining the reporting requirements set out in subdivision one of this section and in sections four hundred fifteen through four hundred twenty of this title.

4. Any person, institution, school, facility, agency, organization, partnership or corporation, which employs persons who are mandated to report suspected incidents of child abuse or maltreatment pursuant to subdivision one of this section and whose employees, in the normal course of their employment, travel to locations where children reside, shall provide, consistent with section four hundred twenty-one of this title, all such current and new employees with information on recognizing the signs of an unlawful methamphetamine laboratory. Pursuant to section 19.27 of the mental hygiene law, the office of alcoholism and substance abuse services shall make available to such employers information on recognizing the signs of unlawful methamphetamine laboratories. § 414. Any person permitted to report. In addition to those persons and officials required to report suspected child abuse or maltreatment, any person may make such a report if such person has reasonable cause to suspect that a child is an abused or maltreated child.

§ 415. Reporting procedure. Reports of suspected child abuse or maltreatment made pursuant to this title shall be made immediately by telephone or by telephone facsimile machine on a form supplied by the commissioner of the office of children and family services. Oral reports shall be followed by a report in writing within forty-eight hours after such oral report. Oral

reports shall be made to the statewide central register of child abuse and maltreatment unless the appropriate local plan for the provision of child protective services provides that oral reports should be made to the local child protective service. In those localities in which oral reports are made initially to the local child protective service, the child protective service shall immediately make an oral or electronic report to the statewide central register. Written reports shall be made to the appropriate local child protective service except that written reports involving children in residential care, as defined in subdivision seven of section four hundred twelve of this title, or being cared for in a home operated or supervised by an authorized agency, office of children and family services, or an office of the department of mental hygiene, shall be made to the statewide central register of child abuse and maltreatment which shall transmit the reports to the agency responsible for investigating the report, in accordance with paragraph (a) or (c) of subdivision eleven of section four hundred twenty-two or section four hundred twenty-four-b of this title, as applicable. Written reports shall be made in a manner prescribed and on forms supplied by the commissioner of the office of children and family services and shall include the following information: the names and addresses of the child and his or her parents or other person responsible for his or her care, if known, and, as the case may be, the name and address of the residential care facility or program in which the child resides or is receiving care; 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, as the case may be, his or her siblings; the name of the person or persons alleged to be responsible for causing the injury, abuse or maltreatment, if known; family composition, where appropriate; the source of the report; the person making the report and where he or she can be reached; the actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child or notifying the medical examiner or coroner; and any other information which the commissioner of the office of children and family services may, by regulation, require, or the person making the report believes might be helpful, in the furtherance of the purposes of this title. Notwithstanding the privileges set forth in article forty-five of the civil practice law and rules, and any other provision of law to the contrary, mandated reporters who make a report which initiates an investigation of an allegation of child abuse or maltreatment are required to comply with all requests for records made by a child protective service relating to such report, including records relating to diagnosis, prognosis or treatment, and clinical records, of any patient or client that are essential for a full investigation of allegations of child abuse or maltreatment pursuant to this title; provided, however, that disclosure of substance abuse treatment records shall be made pursuant to the standards and procedures for disclosure of such records delineated in federal law. Written reports from persons or officials required by this title to report shall be admissible in evidence in any proceedings relating to child abuse or maltreatment.

§ 416. Obligations of persons required to report. Any person or official required to report cases of suspected child abuse and maltreatment may take or cause to be taken at public expense photographs of the areas of trauma visible on a child who is subject to a report and, if medically indicated, cause to be performed a radiological examination on the child. Any photographs or x-rays taken shall be sent to the child protective service at the time the written report is sent, or as soon thereafter as possible. Whenever such person is required to report under this title in his capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he shall immediately notify the person in charge of such institution, school, facility or agency, or his designated agent, who shall then take or cause to be taken at public expense color photographs of visible trauma and shall, if medically indicated, cause to be performed a radiological examination on the child.

§ 419. Immunity from liability. Any person, official, or institution participating in good faith in the providing of a service pursuant to section four hundred twenty-four of this title, the making of a report, the taking of photographs, the removal or keeping of a child pursuant to this title, or the disclosure of child protective services information in compliance with sections twenty, four hundred twenty-two and four hundred twenty-two-a of this chapter shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment or providing a service pursuant to section four hundred twenty-four or the disclosure of child protective services information in compliance with sections twenty, four hundred twenty-two and four hundred twenty-two-a of this chapter shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

§ 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.

§ 422. Statewide central register of child abuse and maltreatment. 1. There shall be established in the department a statewide central register of child abuse and maltreatment reports made pursuant to this title.

2. (a) The central register shall be capable of receiving telephone calls alleging child abuse or maltreatment and of immediately identifying prior reports of child abuse or maltreatment and capable of monitoring the provision of child protective service twenty-four hours a day, seven days a week. To effectuate this purpose, but subject to the provisions of the appropriate local plan for the provision of child protective services, there shall be a single statewide telephone number that all persons, whether mandated by the law or not, may use to make telephone calls alleging child abuse or maltreatment and that all persons so authorized by this title may use for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. In addition to the single statewide telephone number, there shall be a special unlisted express telephone number and a telephone facsimile number for use only by persons mandated by law to make telephone calls, or to transmit telephone facsimile information on a form provided by the commissioner, alleging child abuse or maltreatment, and for use by all persons so authorized by this title for determining the existence of prior reports in order to evaluate the condition or circumstances of a child. When any allegations contained in such telephone calls could reasonably constitute a report of child abuse or maltreatment, such allegations shall be immediately transmitted orally or electronically by the department to the appropriate local child protective service for investigation. The inability of the person calling the register to identify the alleged perpetrator shall, in no circumstance, constitute the sole cause for the register to reject such allegation or fail to transmit such allegation for investigation. If the records indicate a previous report concerning a subject of the report, the child alleged to be abused or maltreated, a sibling, other children in the household, other persons named in the report or other pertinent information, the appropriate local child protective service shall be immediately notified of the fact, except as provided in subdivision eleven of this section. If the report involves either (i) suspected physical injury as described in paragraph (i) of subdivision (e) of section ten hundred twelve of the family court act or sexual abuse of a child or the death of a child or (ii) suspected maltreatment which alleges any physical harm when the report is made by a person required to report pursuant to section four hundred thirteen of this title within six

months of any other two reports that were indicated, or may still be pending, involving the same child, sibling, or other children in the household or the subject of the report, the department shall identify the report as such and note any prior reports when transmitting the report to the local child protective services for investigation. * NB Effective December 14, 2006

(b) Any telephone call made by a person required to report cases of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this chapter containing allegations, which if true would constitute child abuse or maltreatment shall constitute a report and shall be immediately transmitted orally or electronically by the department to the appropriate local child protective service for investigation.

(c) Whenever a telephone call to the statewide central register described in this section is received by the department, and the department finds that the person allegedly responsible for abuse or maltreatment of a child cannot be a subject of a report as defined in subdivision four of section four hundred twelve of this chapter, but believes that the alleged acts or circumstances against a child described in the telephone call may constitute a crime or an immediate threat to the child's health or safety, the department shall convey by the most expedient means available the information contained in such telephone call to the appropriate law enforcement agency, district attorney or other public official empowered to provide necessary aid or assistance. (d) A telephone call made to the statewide central register described in this section alleging facts that support a finding of the institutional neglect of a child in residential care pursuant to subdivision ten of section four hundred twelve of this article and that, if true, clearly could not support a finding that the child is an abused or neglected child in residential care, shall not constitute a report, and shall immediately be transmitted to the state agency responsible for the operation or supervision of the residential facility or program and, in the case of a facility operated or certified by an office of the state department of mental hygiene, to the state commission on quality of care for the mentally disabled, for appropriate action.

3. The central register shall include but not be limited to the following information: all the information in the written report; a record of the final disposition of the report, including services offered and services accepted; the plan for rehabilitative treatment; the names and identifying data, dates and circumstances of any person requesting or receiving information from the register; and any other information which the commissioner believes might be helpful in the furtherance of the purposes of this chapter. 4. (A) Reports made pursuant to this title as well as any other information obtained, reports written or photographs taken concerning such reports in the possession of the department, local departments, or the commission on quality of care for the mentally disabled, shall be confidential and shall only be made available to:

(a) a physician who has before him or her a child whom he or she reasonably suspects may be abused or maltreated; (b) a person authorized to place a child in protective custody when such person has before him or her a child whom he or she reasonably suspects may be abused or maltreated and such person requires the information in the record to determine whether to place the child in protective custody; (c) a duly authorized agency having the responsibility for the care or supervision of a child who is reported to the central register of abuse and maltreatment; (d) any person who is the subject of the report or other persons named in the report; (e) a court, upon a finding that the information in the record is necessary for the determination of an issue before the court; (f) a grand jury, upon a finding that the information in the record is necessary for the determination of charges before the grand jury; (g) any appropriate state legislative committee responsible for child protective legislation; (h) any person engaged in a bona fide research purpose provided, however, that no information identifying the subjects of the report or other persons named in the report shall be made available to the researcher unless it is absolutely essential to the research purpose and the department gives prior approval; (i) a

provider agency as defined by subdivision three of section four hundred twenty-four-a of this chapter, or a licensing agency as defined by subdivision four of section four hundred twenty-four-a of this chapter, subject to the provisions of such section; (j) the state commission on quality of care for the mentally disabled in connection with an investigation being conducted by the commission pursuant to article forty-five of the mental hygiene law; (k) a probation service conducting an investigation pursuant to article three or seven or section six hundred fifty-three of the family court act where there is reason to suspect the child or the child's sibling may have been abused or maltreated and such child or sibling, parent, guardian or other person legally responsible for the child is a person named in an indicated report of child abuse or maltreatment and that such information is necessary for the making of a determination or recommendation to the court; or a probation service regarding a person about whom it is conducting an investigation pursuant to article three hundred ninety of the criminal procedure law, or a probation service or the state division of parole regarding a person to whom the service or division is providing supervision pursuant to article sixty of the penal law or section two hundred fifty-nine-a of the executive law, where the subject of investigation or supervision has been convicted of a felony under article one hundred twenty, one hundred twenty-five or one hundred thirty-five of the penal law or any felony or misdemeanor under article one hundred thirty, two hundred thirty-five, two hundred forty-five, two hundred sixty or two hundred sixty-three of the penal law, or has been indicted for any such felony and, as a result, has been convicted of a crime under the penal law, where the service or division requests the information upon a certification that such information is necessary to conduct its investigation, that there is reasonable cause to believe that the subject of an investigation is the subject of an indicated report and that there is reasonable cause to believe that such records are necessary to the investigation by the probation service or the state division of parole, provided, however, that only indicated reports shall be furnished pursuant to this subdivision; (l) a district attorney, an assistant district attorney or investigator employed in the office of a district attorney, a sworn officer of the division of state police, of the regional state park police, of a city police department, or of a county, town or village police department or county sheriff's office or department when such official requests such information stating that such information is necessary to conduct a criminal investigation or criminal prosecution of a person, that there is reasonable cause to believe that such person is the subject of a report, and that it is reasonable to believe that due to the nature of the crime under investigation or prosecution, such person is the subject of a report, and that it is reasonable to believe that due to that nature of the crime under investigation or prosecution, such records may be related to the criminal investigation or prosecution; (m) the New York city department of investigation provided however, that no information identifying the subjects of the report or other persons named in the report shall be made available to the department of investigation unless such information is essential to an investigation within the legal authority of the department of investigation and the state department of social services gives prior approval; (n) chief executive officers of authorized agencies, directors of day care centers and directors of facilities operated or supervised by the department of education, the division for youth, the office of mental health or the office of mental retardation and developmental disabilities, in connection with a disciplinary investigation, action, or administrative or judicial proceeding instituted by any of such officers or directors against an employee of any such agency, center or facility who is the subject of an indicated report when the incident of abuse or maltreatment contained in the report occurred in the agency, center, facility or program, and the purpose of such proceeding is to determine whether the employee should be retained or discharged; provided, however, a person given access to information pursuant to this subparagraph (n) shall, notwithstanding any inconsistent provision of law, be authorized to redisclose such information only if the purpose of such redisclosure is to initiate or present evidence in a disciplinary, administrative or judicial

proceeding concerning the continued employment or the terms of employment of an employee of such agency, center or facility who has been named as a subject of an indicated report and, in addition, a person or agency given access to information pursuant to this subparagraph (n) shall also be given information not otherwise provided concerning the subject of an indicated report where the commission of an act or acts by such subject has been determined in proceedings pursuant to article ten of the family court act to constitute abuse or neglect; (o) a provider or coordinator of services to which a child protective service or social services district has referred a child or a child's family or to whom the child or the child's family have referred themselves at the request of the child protective service or social services district, where said child is reported to the register when the records, reports or other information are necessary to enable the provider or coordinator to establish and implement a plan of service for the child or the child's family, or to monitor the provision and coordination of services and the circumstances of the child and the child's family, or to directly provide services; provided, however, that a provider of services may include appropriate health care or school district personnel, as such terms shall be defined by the department; provided however, a provider or coordinator of services given access to information concerning a child pursuant to this subparagraph (o) shall, notwithstanding any inconsistent provision of law, be authorized to redisclose such information to other persons or agencies which also provide services to the child or the child's family only if the consolidated services plan prepared and approved pursuant to section thirty-four-a of this chapter describes the agreement that has been or will be reached between the provider or coordinator of service and the local district. An agreement entered into pursuant to this subparagraph shall include the specific agencies and categories of individuals to whom redisclosure by the provider or coordinator of services is authorized. Persons or agencies given access to information pursuant to this subparagraph may exchange such information in order to facilitate the provision or coordination of services to the child or the child's family; (p) a disinterested person making an investigation pursuant to section one hundred sixteen of the domestic relations law, provided that such disinterested person shall only make this information available to the judge before whom the adoption proceeding is pending; (q) a criminal justice agency conducting an investigation of a missing child where there is reason to suspect such child or such child's sibling, parent, guardian or other person legally responsible for such child is a person named in an indicated report of child abuse or maltreatment and that such information is needed to further such investigation; (r) in relation to a report involving a child in residential care, the director or operator of the residential facility or program and, as appropriate, the local social services commissioner or school district placing the child, the division for youth, the department of education, the commission on quality of care for the mentally disabled, the office of mental health, the office of mental retardation and developmental disabilities, and any law guardian appointed to represent the child whose appointment has been continued by a family court judge during the term of the placement, subject to the limitations contained in subdivisions nine and ten of this section and subdivision five of section four hundred twenty-four-c of this title; (s) a child protective service of another state when such service certifies that the records and reports are necessary in order to conduct a child abuse or maltreatment investigation within its jurisdiction of the subject of the report and shall be used only for purposes of conducting such investigation and will not be redisclosed to any other person or agency; (t) a law guardian, appointed pursuant to the provisions of section ten hundred sixteen of the family court act, at any time such appointment is in effect, in relation to any report in which the respondent in the proceeding in which the law guardian has been appointed is the subject or another person named in the report, pursuant to sections ten hundred thirty-nine-a and ten hundred fifty-two-a of the family court act; (u) a child care resource and referral program subject to the provisions of subdivision six of section four hundred twenty-four-a of this title; (v)(i) officers and employees of the state comptroller or of the city

comptroller of the city of New York, or of the county officer designated by law or charter to perform the auditing function in any county not wholly contained within a city, for purposes of a duly authorized performance audit, provided that such comptroller shall have certified to the keeper of such records that he or she has instituted procedures developed in consultation with the department to limit access to client-identifiable information to persons requiring such information for purposes of the audit and that appropriate controls and prohibitions are imposed on the dissemination of client-identifiable information contained in the conduct of the audit. Information pertaining to the substance or content of any psychological, psychiatric, therapeutic, clinical or medical reports, evaluations or like materials or information pertaining to such child or the child's family shall not be made available to such officers and employees unless disclosure of such information is absolutely essential to the specific audit activity and the department gives prior written approval. (ii) any failure to maintain the confidentiality of client-identifiable information shall subject such comptroller or officer to denial of any further access to records until such time as the audit agency has reviewed its procedures concerning controls and prohibitions imposed on the dissemination of such information and has taken all reasonable and appropriate steps to eliminate such lapses in maintaining confidentiality to the satisfaction of the office of children and family services. The office of children and family services shall establish the grounds for denial of access to records contained under this section and shall recommend as necessary a plan of remediation to the audit agency. Except as provided in this section, nothing in this subparagraph shall be construed as limiting the powers of such comptroller or officer to access records which he or she is otherwise authorized to audit or obtain under any other applicable provision of law. Any person given access to information pursuant to this subparagraph who releases data or information to persons or agencies not authorized to receive such information shall be guilty of a class A misdemeanor; (w) members of a local or regional fatality review team approved by the office of children and family services in accordance with section four hundred twenty-two-b of this title; (x) members of a local or regional multidisciplinary investigative team as established pursuant to subdivision six of section four hundred twenty-three of this title; and (y) members of a citizen review panel as established pursuant to section three hundred seventy-one-b of this article; provided, however, members of a citizen review panel shall not disclose to any person or government official any identifying information which the panel has been provided and shall not make public other information unless otherwise authorized by statute. After a child, other than a child in residential care, who is reported to the central register of abuse or maltreatment reaches the age of eighteen years, access to a child's record under subparagraphs (a) and (b) of this paragraph shall be permitted only if a sibling or off-spring of such child is before such person and is a suspected victim of child abuse or maltreatment. In addition, a person or official required to make a report of suspected child abuse or maltreatment pursuant to section four hundred thirteen of this chapter shall receive, upon request, the findings of an investigation made pursuant to this title or section 45.07 of the mental hygiene law. However, no information may be released unless the person or official's identity is confirmed by the department. If the request for such information is made prior to the completion of an investigation of a report, the released information shall be limited to whether the report is "indicated", "unfounded" or "under investigation", whichever the case may be. If the request for such information is made after the completion of an investigation of a report, the released information shall be limited to whether the report is "indicated" or "unfounded", whichever the case may be. A person given access to the names or other information identifying the subjects of the report, or other persons named in the report, except the subject of the report or other persons named in the report, shall not divulge or make public such identifying information unless he or she is a district attorney or other law enforcement official and the purpose is to initiate court action or the disclosure is necessary in connection with the investigation or prosecution of the subject of the report for a

crime alleged to have been committed by the subject against another person named in the report. Nothing in this section shall be construed to permit any release, disclosure or identification of the names or identifying descriptions of persons who have reported suspected child abuse or maltreatment to the statewide central register or the agency, institution, organization, program or other entity where such persons are employed or the agency, institution, organization or program with which they are associated without such persons' written permission except to persons, officials, and agencies enumerated in subparagraphs (e), (f), (h), (j), (l), (m) and (v) of this paragraph. To the extent that persons or agencies are given access to information pursuant to subparagraphs (a), (b), (c), (j), (k), (l), (m), (o) and (q) of this paragraph, such persons or agencies may give and receive such information to each other in order to facilitate an investigation conducted by such persons or agencies.

(B) Notwithstanding any inconsistent provision of law to the contrary, a city or county social services commissioner may withhold, in whole or in part, the release of any information which he or she is authorized to make available to persons or agencies identified in subparagraphs (a), (k), (l), (m), (n), (o), (p) and (q) of paragraph (A) of this subdivision if such commissioner determines that such information is not related to the purposes for which such information is requested or when such disclosure will be detrimental to the child named in the report.

(C) A city or county social services commissioner who denies access by persons or agencies identified in subparagraphs (a), (k), (l), (m), (n), (o), (p) and (q) of paragraph (A) of this subdivision to records, reports or other information or parts thereof maintained by such commissioner in accordance with this title shall, within ten days from the date of receipt of the request fully explain in writing to the person requesting the records, reports or other information the reasons for the denial.

(D) A person or agency identified in subparagraphs (a), (k), (l), (m), (n), (o), (p) and (q) of paragraph (A) of this subdivision who is denied access to records, reports or other information or parts thereof maintained by a local department pursuant to this title may bring a proceeding for review of such denial pursuant to article seventy-eight of the civil practice law and rules.

5. (a) Unless an investigation of a report conducted pursuant to this title or subdivision (c) of section 45.07 of the mental hygiene law determines that there is some credible evidence of the alleged abuse or maltreatment, all information identifying the subjects of the report and other persons named in the report shall be legally sealed forthwith by the central register and any local child protective services or the state agency which investigated the report. Such unfounded reports may only be unsealed and made available:

- (i) to the office of children and family services for the purpose of supervising a social services district;
- (ii) to the office of children and family services and local or regional fatality review team members for the purpose of preparing a fatality report pursuant to section twenty or four hundred twenty-two-b of this chapter;
- (iii) to a local child protective service, the office of children and family services, all members of a local or regional multidisciplinary investigative team, the commission on quality of care for the mentally disabled, or the department of mental hygiene, when investigating a subsequent report of suspected abuse or maltreatment involving a subject of the unfounded report, a child named in the unfounded report, or a child's sibling named in the unfounded report; (iv) to the subject of the report; and (v) to a district attorney, an assistant district attorney, an investigator employed in the office of a district attorney, or to a sworn officer of the division of state police, of a city, county, town or village police department or of a county sheriff's office when such official verifies that the report is necessary to conduct an active investigation or prosecution of a violation of subdivision three of section 240.55 of the penal law.

(b) Persons given access to unfounded reports pursuant to subparagraph (v) of paragraph (a) of this subdivision shall not redisclose such reports except as necessary to conduct such

appropriate investigation or prosecution and shall request of the court that any copies of such reports produced in any court proceeding be redacted to remove the names of the subjects and other persons named in the reports or that the court issue an order protecting the names of the subjects and other persons named in the reports from public disclosure. The local child protective service or state agency shall not indicate the subsequent report solely based upon the existence of the prior unfounded report or reports. Notwithstanding section four hundred fifteen of this title, section one thousand forty-six of the family court act, or, except as set forth herein, any other provision of law to the contrary, an unfounded report shall not be admissible in any judicial or administrative proceeding or action; provided, however, an unfounded report may be introduced into evidence: (i) by the subject of the report where such subject is a respondent in a proceeding under article ten of the family court act or is a plaintiff or petitioner in a civil action or proceeding alleging the false reporting of child abuse or maltreatment; or (ii) in a criminal court for the purpose of prosecuting a violation of subdivision three of section 240.55 of the penal law. Legally sealed unfounded reports shall be expunged ten years after the receipt of the report. Whenever the office of children and family services determines that there is some credible evidence of abuse or maltreatment as a result of an investigation of a report conducted pursuant to subdivision (c) of section 45.07 of the mental hygiene law, the office of children and family services shall notify the commission on quality of care for the mentally disabled.

(c) Notwithstanding any other provision of law, the office of children and family services may, in its discretion, grant a request to expunge an unfounded report where: (i) the source of the report was convicted of a violation of subdivision three of section 240.55 of the penal law in regard to such report; or (ii) the subject of the report presents clear and convincing evidence that affirmatively refutes the allegation of abuse or maltreatment; provided however, that the absence of credible evidence supporting the allegation of abuse or maltreatment shall not be the sole basis to expunge the report. Nothing in this paragraph shall require the office of children and family services to hold an administrative hearing in deciding whether to expunge a report. Such office shall make its determination upon reviewing the written evidence submitted by the subject of the report and any records or information obtained from the state or local agency which investigated the allegations of abuse or maltreatment.

6. In all other cases, the record of the report to the central register shall be expunged ten years after the eighteenth birthday of the youngest child named in the report. In the case of a child in residential care as defined in subdivision seven of section four hundred twelve of this chapter, the record of the report to the central register shall be expunged ten years after the reported child's eighteenth birthday. In any case and at any time, the commissioner may amend any record upon good cause shown and notice to the subjects of the report and other persons named in the report.

7. At any time, a subject of a report and other persons named in the report may receive, upon request, a copy of all information contained in the central register; provided, however, that the commissioner is authorized to prohibit the release of data that would identify the person who made the report or who cooperated in a subsequent investigation or the agency, institution, organization, program or other entity where such person is employed or with which he is associated, which he reasonably finds will be detrimental to the safety or interests of such person.

8. (a) (i) At any time subsequent to the completion of the investigation but in no event later than ninety days after the subject of the report is notified that the report is indicated the subject may request the commissioner to amend the record of the report. If the commissioner does not amend the report in accordance with such request within ninety days of receiving the request, the subject shall have the right to a fair hearing, held in accordance with paragraph (b) of this subdivision, to determine whether the record of the report in the central register should

be amended on the grounds that it is inaccurate or it is being maintained in a manner inconsistent with this title. (ii) Upon receipt of a request to amend the record of a child abuse and maltreatment report the department shall immediately send a written request to the child protective service or the state agency which was responsible for investigating the allegations of abuse or maltreatment for all records, reports and other information maintained by the service or state agency pertaining to such indicated report. The service or state agency shall as expeditiously as possible but within no more than twenty working days of receiving such request, forward all records, reports and other information it maintains on such indicated report to the department. The department shall as expeditiously as possible but within no more than fifteen working days of receiving such materials from the child protective service or state agency, review all such materials in its possession concerning the indicated report and determine, after affording such service or state agency a reasonable opportunity to present its views, whether there is some credible evidence to find that the subject committed the act or acts of child abuse or maltreatment giving rise to the indicated report and whether, based on guidelines developed by the department pursuant to subdivision five of section four hundred twenty-four-a of this title, such act or acts could be relevant and reasonably related to employment of the subject of the report by a provider agency, as defined by subdivision three of section four hundred twenty-four-a of this title, or relevant and reasonably related to the subject of the report being allowed to have regular and substantial contact with children who are cared for by a provider agency, or relevant and reasonably related to the approval or disapproval of an application submitted by the subject of the report to a licensing agency, as defined by subdivision four of section four hundred twenty-four-a of this title. (iii) If it is determined at the review held pursuant to this paragraph (a) that there is no credible evidence in the record to find that the subject committed an act or acts of child abuse or maltreatment, the department shall amend the record to indicate that the report is "unfounded" and notify the subject forthwith. (iv) If it is determined at the review held pursuant to this paragraph (a) that there is some credible evidence in the record to find that the subject committed such act or acts but that such act or acts could not be relevant and reasonably related to the employment of the subject by a provider agency or to the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency or the approval or disapproval of an application which could be submitted by the subject to a licensing agency, the department shall be precluded from informing a provider or licensing agency which makes an inquiry to the department pursuant to the provisions of section four hundred twenty-four-a of this title concerning the subject that the person about whom the inquiry is made is the subject of an indicated report of child abuse or maltreatment. The department shall notify forthwith the subject of the report of such determinations and that a fair hearing has been scheduled pursuant to paragraph (b) of this subdivision. The sole issue at such hearing shall be whether the subject has been shown by some credible evidence to have committed the act or acts of child abuse or maltreatment giving rise to the indicated report. (v) If it is determined at the review held pursuant to this paragraph (a) that there is some credible evidence in the record to prove that the subject committed an act or acts of child abuse or maltreatment and that such act or acts could be relevant and reasonably related to the employment of the subject by a provider agency or to the subject being allowed to have regular and substantial contact with children cared for by a provider agency or the approval or disapproval of an application which could be submitted by the subject to a licensing agency, the department shall notify forthwith the subject of the report of such determinations and that a fair hearing has been scheduled pursuant to paragraph (b) of this subdivision. (b) (i) If the department, within ninety days of receiving a request from the subject that the record of a report be amended, does not amend the record in accordance with such request, the department shall schedule a fair hearing and shall provide notice of the scheduled hearing date to the subject, the statewide central register and, as appropriate, to the

child protective service or the state agency which investigated the report. (ii) The burden of proof in such a hearing shall be on the child protective service or the state agency which investigated the report, as the case may be. In such a hearing, the fact that there is a family court finding of abuse or neglect against the subject in regard to an allegation contained in the report shall create an irrefutable presumption that said allegation is substantiated by some credible evidence.

(c) (i) If it is determined at the fair hearing that there is no credible evidence in the record to find that the subject committed an act or acts of child abuse or maltreatment, the department shall amend the record to reflect that such a finding was made at the administrative hearing, order any child protective service or state agency which investigated the report to similarly amend its records of the report, and shall notify the subject forthwith of the determination. (ii) Upon a determination made at a fair hearing held on or after January first, nineteen hundred eighty-six pursuant to the provisions of subparagraph (v) of paragraph (a) of this subdivision that the subject has been shown by some credible evidence to have committed the act or acts of child abuse or maltreatment giving rise to the indicated report, the hearing officer shall determine, based on guidelines developed by the department pursuant to subdivision five of section four hundred twenty-four-a of this chapter, whether such act or acts are relevant and reasonably related to employment of the subject by a provider agency, as defined by subdivision three of section four hundred twenty-four-a of this title, or relevant and reasonably related to the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency or relevant and reasonably related to the approval or disapproval of an application submitted by the subject to a licensing agency, as defined by subdivision four of section four hundred twenty-four-a of this title. Upon a determination made at a fair hearing that the act or acts of abuse or maltreatment are relevant and reasonably related to employment of the subject by a provider agency or the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency or the approval or denial of an application submitted by the subject to a licensing agency, the department shall notify the subject forthwith. The department shall inform a provider or licensing agency which makes an inquiry to the department pursuant to the provisions of section four hundred twenty-four-a of this title concerning the subject that the person about whom the inquiry is made is the subject of an indicated child abuse or maltreatment report. The failure to determine at the fair hearing that the act or acts of abuse and maltreatment are relevant and reasonably related to the employment of the subject by a provider agency or to the subject being allowed to have regular and substantial contact with children who are cared for by a provider agency or the approval or denial of an application submitted by the subject to a licensing agency shall preclude the department from informing a provider or licensing agency which makes an inquiry to the department pursuant to the provisions of section four hundred twenty-four-a of this title concerning the subject that the person about whom the inquiry is made is the subject of an indicated child abuse or maltreatment report.

(d) The commissioner or his or her designated agent is hereby authorized and empowered to make any appropriate order respecting the amendment of a record to make it accurate or consistent with the requirements of this title. (e) Should the department grant the request of the subject of the report pursuant to this subdivision either through an administrative review or fair hearing to amend an indicated report to an unfounded report. Such report shall be legally sealed and shall be released and expunged in accordance with the standards set forth in subdivision five of this section.

9. Written notice of any expungement or amendment of any record, made pursuant to the provisions of this title, shall be served forthwith upon each subject of such record, other persons named in the report, the commissioner, and, as appropriate, the applicable local child protective service, the commission on quality of care for the mentally disabled, the division for

youth, department of education, office of mental health, office of mental retardation and developmental disabilities, the local social services commissioner or school district placing the child, any law guardian appointed to represent the child whose appointment has been continued by a family court judge during the term of a child's placement, and the director or operator of a residential care facility or program. The local child protective service or the state agency which investigated the report, upon receipt of such notice, shall take the appropriate similar action in regard to its child abuse and maltreatment register and records and inform, for the same purpose, any other agency which received such record.

10. Whenever the department determines that there is some credible evidence of abuse or maltreatment as a result of an investigation of a report conducted pursuant to this title or section 45.07 of the mental hygiene law concerning a child in residential care, the department shall notify the child's parent or guardian and transmit copies of reports made pursuant to this title to the director or operator of the residential facility or program and, as applicable, the local social services commissioner or school district placing the child, division for youth, department of education, commission on quality of care for the mentally disabled, office of mental health, office of mental retardation and developmental disabilities, and any law guardian appointed to represent the child whose appointment has been continued by a family court judge during the term of a child's placement.

11. (a) Reports and records made pursuant to this title, including any previous report concerning a subject of the report, other persons named in the report or other pertinent information, involving children who reside in residential facilities or programs enumerated in paragraphs (a), (b), (c), (d), (e), (f) and (h) of subdivision seven of section four hundred twelve of this chapter, shall be transmitted immediately by the central register to the commissioner who shall commence an appropriate investigation consistent with the terms and conditions set forth in section four hundred twenty-four-c of this title. If an investigation determines that some credible evidence of alleged abuse or maltreatment exists, the commissioner shall recommend to the local social services department, the state education department or the division for youth, as the case may be, that appropriate preventive and remedial action including legal action, consistent with applicable collective bargaining agreements and applicable provisions of the civil service law, pursuant to standards and regulations of the department promulgated pursuant to section four hundred sixty-two of this chapter and standards and regulations of the division for youth and the department of education promulgated pursuant to section five hundred one of the executive law, sections forty-four hundred three, forty-three hundred fourteen, forty-three hundred fifty-eight and forty-two hundred twelve of the education law and other applicable provisions of law, be taken with respect to the residential facility or program and/or the subject of the report. However, nothing in this paragraph shall prevent the commissioner from making recommendations, as provided for by this paragraph, even though the investigation may fail to result in a determination that there is some credible evidence of the alleged abuse or maltreatment. (b) The department shall establish standards for the provision of training to its employees charged with the investigation of reports of child abuse and maltreatment in residential care in at least the following: (a) basic training in the principles and techniques of investigation, including relationships with other investigative bodies, (b) legal issues in child protection including the legal rights of children, employees and volunteers, (c) methods of identification, remediation, treatment and prevention, (d) safety and security procedures, and (e) the principles of child development, the characteristics of children in care, and techniques of group and child management including crisis intervention. The department shall take all reasonable and necessary actions to assure that its employees are kept apprised on a current basis of all department policies and procedures relating to the protection of children from abuse and maltreatment.

(c) Reports and records made pursuant to this title, including any previous report concerning a subject of the report, other persons named in the report or other pertinent information, involving children who reside in a residential facility licensed or operated by the offices of mental health or mental retardation and developmental disabilities except those facilities or programs enumerated in paragraph (h) of subdivision seven of section four hundred twelve of this chapter, shall be transmitted immediately by the central register to the commission on quality of care for the mentally disabled, which shall commence an appropriate investigation in accordance with the terms and conditions set forth in section 45.07 of the mental hygiene law.

12. Any person who willfully permits and any person who encourages the release of any data and information contained in the central register to persons or agencies not permitted by this title shall be guilty of a class A misdemeanor.

13. There shall be a single statewide telephone number for use by all persons seeking general information about child abuse, maltreatment or welfare other than for the purpose of making a report of child abuse or maltreatment.

14. The department shall refer suspected cases of falsely reporting child abuse and maltreatment in violation of subdivision three of section 240.55 of the penal law to the appropriate law enforcement agency or district attorney.

EDN – Education Law
Article 23-B - CHILD ABUSE IN AN EDUCATIONAL SETTING

1125 - Definitions.

1126 - Duties of employees specifically enumerated in this section upon receipt of an allegation of child abuse in an educational setting.

1127 - Confidentiality of records.

1128 - Duties of school administrators and superintendents upon receipt of a written report alleging child abuse in an educational setting.

1128-A - Additional duties of superintendents.

1129 - Penalties for failure to comply.

1130 - Notification by district attorney.

1131 - Actions upon criminal conviction of a licensed or certified school employee.

1132 - Duties of the commissioner; child abuse in an educational setting.

1133 - Unreported resignation against public policy.

§ 1125. Definitions. For the purposes of this article the following terms shall have the following meanings:

1. "Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child: (a) intentionally or recklessly inflicting physical injury, serious physical injury or death, or (b) intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death, or (c) any child sexual abuse as defined in this section, or (d) the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to article two hundred thirty-five of the penal law.
2. "Child" shall mean a person under the age of twenty-one years enrolled in a school district in this state, other than a school district within a city having a population of one million or more.
3. "Employee" shall mean any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.
4. "Volunteer" shall mean any person, other than an employee, who provides services to a school or school district, which involve direct student contact.
5. "Educational setting" shall mean the building and grounds of a public school district, the vehicles provided by the school district for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activities both on and off school district grounds, all co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.
6. "Administrator" or "school administrator" shall mean a principal of a public school, charter school or board of cooperative educational services, or other chief school officer.
7. "Law enforcement authorities" shall mean a municipal police department, sheriff's department, and the division of state police or any officer thereof. Notwithstanding any other provision of law, law enforcement authorities shall not include any child protective service or any society for the prevention of cruelty to children as such terms are defined in section four hundred twenty-three of the social services law.

8. "Parent" shall mean either or both of a child's parents or other persons legally responsible for the child.

9. "Child sexual abuse" shall mean conduct prohibited by article one hundred thirty or two hundred sixty-three of the penal law.

§ 1126. Duties of employees specifically enumerated in this section upon receipt of an allegation of child abuse in an educational setting.

1. In any case where an oral or written allegation is made to a teacher, school nurse, school guidance counselor, school psychologist, school social worker, school administrator, school board member or other school personnel required to hold a teaching or administrative license or certificate, that a child has been subjected to child abuse by an employee or volunteer in an educational setting, such person shall upon receipt of such allegation:

(a) promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be upon a form as prescribed in section eleven hundred thirty-two of this article.

(b) except where the school administrator is the person receiving such oral or written allegation, promptly personally deliver a copy of such written report to the school administrator of the school in which the child abuse allegedly occurred.

2. In any case where it is alleged that a child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the superintendent of schools of the school district of the child's attendance and the school district where the abuse allegedly occurred, whereupon both school superintendents shall comply with sections eleven hundred twenty-eight and eleven hundred twenty-eight-a of this article.

3. Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting to a person and in a manner described in this section shall have immunity from civil liability which might otherwise result by reason of such actions.

§ 1127. Confidentiality of records. Reports and other written material submitted pursuant to this article, and photographs taken concerning such reports in the possession of any person authorized to receive such information, pursuant to this article, shall be confidential and shall not be redisclosed except to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. A school administrator or a school superintendent shall exercise reasonable care in preventing such unauthorized disclosure. Willful disclosure of a written record required to be kept confidential pursuant to this section to a person not authorized to receive or review such record is a class A misdemeanor.

§ 1128. Duties of school administrators and superintendents upon receipt of a written report alleging child abuse in an educational setting. Upon receipt of a written report described in paragraph (a) of subdivision one of section eleven hundred twenty-six of this article alleging that a child has been abused in an educational setting, a school administrator or superintendent shall where there is a reasonable suspicion to believe that an act of child abuse has occurred:

1. Where the subject child has made the allegation: (a) promptly notify the parent of such child that an allegation of child abuse in an educational setting has been made regarding such child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (c) promptly forward such report to appropriate

law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

2. Where a parent of the child has made the allegation: (a) promptly provide the parent of such child with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (c) promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

3. Where a person other than the subject child or the parent of a subject child has made the allegation: (a) promptly notify the parent of the subject child that an allegation of child abuse in an educational setting has been made regarding his or her child and promptly provide the parent with a written statement prepared pursuant to regulations of the commissioner setting forth parental rights, responsibilities and procedures under this article; (b) ascertain from the person making such report the source and basis for such allegation; (c) where a school administrator receives a written report, promptly provide a copy of such report to the superintendent; and (d) promptly forward such report to appropriate law enforcement authorities. In no event shall reporting to law enforcement be delayed by reason of an inability to contact the superintendent.

4. Any school administrator or superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting or reasonably and in good faith transmits such a report to a person or agency as required by this article and in a manner described in section eleven hundred twenty-six of this article and this section shall have immunity from civil liability which might otherwise result by reason of such actions.

§ 1128-a. Additional duties of superintendents. 1. Where a superintendent of schools forwards to law enforcement a report as described in paragraph (a) of subdivision one of section eleven hundred twenty-six of this article, he or she shall refer such report to the commissioner where the employee or volunteer alleged to have committed an act of child abuse as defined in this article holds a certification or license issued by the department.

2. A report which is made pursuant to this article and does not, after investigation, result in a criminal conviction shall be expunged from any record which may be kept by a school or school district with respect to the subject of such a report after a period of five years from the date of the making of such report or at such earlier time as such school, or school district, as the case may be, determines.

§ 1129. Penalties for failure to comply. 1. Willful failure of an employee to prepare and submit a written report of an allegation of child abuse as required by this article shall be a class A misdemeanor.

2. (a) Willful failure of a school administrator or superintendent to submit a written report of child abuse to an appropriate law enforcement authority, as required by this article, shall be a class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subdivision, any failure to submit a written report of child abuse to an appropriate law enforcement authority as required by this article, shall be punishable by a civil penalty not to exceed five thousand dollars upon an administrative determination by the commissioner.

§ 1130. Notification by district attorney. Where a criminal investigation of an allegation of child abuse by an employee or volunteer is undertaken in response to a report forwarded by a school administrator or superintendent to law enforcement authorities pursuant to section eleven hundred twenty-eight of this article, and where law enforcement authorities have provided such report to the district attorney and have requested assistance, as soon as practicable, it shall be the responsibility of the district attorney to notify the superintendent of

schools of the district where the acts of child abuse allegedly occurred and of the school district where the child is attending, if different, of an indictment or the filing of an accusatory instrument against the employee or volunteer against whom an allegation of child abuse in an educational setting was made. The district attorney shall notify the superintendent of schools of the district where the acts of child abuse allegedly occurred and of the school district, if different, where the child is attending of the disposition of the criminal case against such employee or volunteer or the suspension or termination of the criminal investigation of such employee or volunteer.

§1131. Actions upon criminal conviction of a licensed or certified school employee.

1. In the event that a licensed or certified school employee against whom an allegation of child abuse in an educational setting has been made, is convicted of any crime involving child abuse in an educational setting, the district attorney shall provide notice thereof to the commissioner, the superintendent of schools of the district where the acts of child abuse occurred and to the school district where the child is attending school, if different.

2. Upon receiving notice of a conviction from a district attorney pursuant to subdivision one of this section, the commissioner shall, without delay, proceed to determine whether the individual possesses good moral character, in accordance with the regulations of the commissioner governing such a determination.

3. Nothing in this article shall be construed as creating any authority to take an adverse action against an employee or volunteer by virtue of a report pursuant to this article which has not been substantiated.

4. An employee or volunteer who has adverse action taken against him or her by virtue of or in connection with any report made pursuant to this article shall be entitled to receive a copy of such report and respond to the allegations of child abuse made therein. Any employee or volunteer shall, in addition, be entitled to seek disclosure of such report pursuant to article six of the public officer's law.

§ 1132. Duties of the commissioner; child abuse in an educational setting.

1. The commissioner shall prepare a form for the recording and transmitting of allegations of child abuse in an educational setting. Such form shall include: (i) all definitions set out in section eleven hundred twenty-five of this article; and (ii) adequate space for the inclusion of any other information which the person making or filing the report believes would be helpful in describing or explaining the circumstances surrounding an allegation of child abuse in an educational setting in accordance with the provisions of this article.

2. The commissioner shall promulgate rules and regulations for training necessary for the implementation of this article.

§ 1133. Unreported resignation against public policy. 1. A school administrator or superintendent shall not make any agreement to withhold from law enforcement authorities, the superintendent or the commissioner, where appropriate, the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer as required by this article in return for the resignation or voluntary suspension from his or her position of such person, against whom the allegation is made.

2. Each violation of subdivision one of this section shall constitute a class E felony, and shall also be punishable by a civil penalty not to exceed twenty thousand dollars.

3. Any superintendent of schools who reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by this article shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

**CHILD ABUSE IN AN EDUCATIONAL SETTING
CONFIDENTIAL REPORT OF ALLEGATION**

SUBJECT CHILD	PARENT OF SUBJECT CHILD
Name _____ Last First MI	Name _____
Address _____ _____	Address (if different) _____ _____
School _____	
Grade _____ Sex (M, F, Unknown) _____	
Age or Birthday (Mo/Day/Yr) _____	

SOURCE OF ALLEGATION (Check as Appropriate)

Child Parent Other - Name _____ Relationship to Child (if any) _____

ALLEGED PERPETRATOR (EMPLOYEE OR VOLUNTEER)

Name _____ School District _____
School Building _____ School Position _____

SPECIFIC ALLEGATION

Use this space to provide information to describe or explain the circumstances surrounding the allegation.
(attach additional sheets if necessary)

REPORTER INFORMATION

Name _____ School District _____ School Address _____
School Telephone _____ Relationship to Child (if any) _____

Teacher School Guidance Counselor School Nurse School Psychologist
 Administrator School Board Member School Social Worker
 School personnel required to hold teaching or administrator license or certification

Date Submitted to Administrator ___/___/___ Signature _____

FOR ADMINISTRATOR USE ONLY	FOR SUPERINTENDENT OF SCHOOL USE ONLY
Reasonable Suspicion ___ Yes ___ No	Reasonable Suspicion ___ Yes ___ No
Date Submitted to Superintendent ___/___/___	Date Submitted to Law Enforcement ___/___/___
Name/Signature _____	Name/Signature _____
Date Submitted to Law Enforcement ___/___/___	Date Submitted to Commissioner ___/___/___
Name/Signature _____	Name/Signature _____

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

Report Date	Case ID	Call ID
Time : <input type="checkbox"/> AM <input type="checkbox"/> PM	Local Case #	Local Dist/Agency

SUBJECTS OF REPORT

List all children in household, adults responsible and alleged subjects.										
Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birthday or Age Mo/Day/ Yr	Race Code	Ethnicity (Ck Only If Hispanic/Latino)	Relation Code	Role Code	Lang. Code
1.							<input type="checkbox"/>			
2.							<input type="checkbox"/>			
3.							<input type="checkbox"/>			
4.							<input type="checkbox"/>			
5.							<input type="checkbox"/>			
6.							<input type="checkbox"/>			
7.							<input type="checkbox"/>			

MORE

List Addresses and Telephone Numbers (Using Line Numbers From Above)	(Area Code) 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 (e.g., 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

Time : AM PM

Additional sheet attached with more explanation. | The Mandated Reporter Requests Finding of Investigation YES NO

CONFIDENTIAL

SOURCE(S) OF REPORT

CONFIDENTIAL

NAME	(Area Code) TELEPHONE	NAME	(Area Code) TELEPHONE
ADDRESS		ADDRESS	
AGENCY/INSTITUTION		AGENCY/INSTITUTION	

RELATIONSHIP

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 Only	Medical Diagnosis on Child	Signature of Physician who examined/treated child	(Area Code) 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 Medical Exam X-Ray Removal/Keeping Not. Med Exam/Coroner
 About To Be Taken Photographs Hospitalization Returning Home Notified DA

Signature of Person Making This Report:	Title	Date Submitted Mo. Day Yr.
X		

TO ACCESS A COPY OF THE LDSS-2221A FORM: Via Internet: <http://www.ocfs.state.ny.us/main/forms/cps/>
Via Intranet: <http://ocfs.state.nyenet/admin/forms/SCR/> OR

TO ORDER A SUPPLY OF FORMS ACCESS FORM (OCFS-4627) Request for Forms and Publications, from either site above, fill it out and send to: **Office of Children and Family Services, Resource Distribution Center, 11 Fourth Ave, Rensselaer, NY 12144.**
If you have difficulty accessing this form from either site, you can call **The Forms Hot Line at 518-473-0971.** Leave a detailed message including your name, address, city, state, the form number you need, the quantity and a phone number in case we need to contact you.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

RACE CODE	ETHNICITY CODE	RELATION CODES FAMILIAL REPORTS <i>(Choose One)</i>	ROLE CODE <i>(Choose One)</i>	LANGUAGE CODE <i>(Choose One)</i>
AA: Black or African-American AL: Alaskan Native AS: Asian NA: Native American PI: Native Hawaiian/Pacific Islander WH: White XX: Other UNK: Unknown	<i>(Check Only If Hispanic/ Latino)</i>	AU: Aunt/Uncle CH: Child GP: Grandparent FM: Other Family Member FP: Foster Parent DC: Daycare Provider IAB REPORTS ONLY AR: Administrator CW: Child Care Worker DO: Director/Operator	XX: Other PA: Parent PS: Parent Substitute UH: Unrelated Home Member UK: Unknown AB: Abused Child MA: Maltreated Child 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

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

Section 412. Definitions

- Definition of Child Abuse**, (see also 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:
 - Inflicts or allows to be inflicted upon the child serious physical injury, or
 - Creates or allows to be created a substantial risk of physical injury, or
 - Commits sexual abuse against the child or allows sexual abuse to be committed.
- Definition of Child Maltreatment**, (see also 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 imminent 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:
 - 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
 - in providing the child with proper supervision or guardianship; or
 - by unreasonably inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
 - by misusing a drug or drugs; or
 - by misusing alcoholic beverages to the extent that he loses self-control of his actions; or
 - by any other acts of a similarly serious nature requiring the aid of the Family Court; or
 - By abandoning the child.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report.

Submit the written paper copy of the LDSS-2221A form originally signed to: the County Department of Social Services (DSS) where the abused/maltreated child resides. To locate your local DSS, visit this site <http://www.ocfs.state.ny.us/main/localdss.asp>.

Residential Institutional Abuse Reports: Submit a paper copy of form, LDSS 2221A, originally signed. It must be submitted directly to the Office of Children and Family Services (OCFS) Regional Office, associated with the county in which the abused/maltreated child is in care.

**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. Pursuant to Section 419 of the Social Services Law, any person, official, or institution participating in good faith in the making of a report of suspected child abuse or maltreatment, the taking of photographs, or the removal or keeping of a child pursuant to the relevant provisions of the Social Services Law shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the good faith of any such person, official, or institution required to report cases of child abuse or maltreatment shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

Section 420. Penalties for Failure to Report.

- 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.
- 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.

STAPLE TO LDSS-2221A (IF NEEDED)
**REPORT OF SUSPECTED
CHILD ABUSE OR MALTREATMENT**

(Use only if the space on the LDSS-2221A under "Reasons for Suspicion" is not enough to accommodate your information)

Report Date	Case ID	Call ID
Time <input type="checkbox"/> AM : <input type="checkbox"/> PM	Local Case #	Local Dist/Agency

PERSON MAKING
THIS REPORT: _____

Print clearly if filling out hard copy.

Continued: 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

Time : AM PM



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Local Child Protective Services

Listed below is an alphabetical list of the local social service offices available throughout New York State.

Albany County DSS

162 Washington Avenue Albany, NY 12210

Allegany County DSS

County Office Building · 7 Court St. · Belmont, NY 14813-1077

Broome County DSS

36-42 Main Street · Binghamton, NY 13905-3199

Cattaraugus County DSS

Cattaraugus County Building 1701 Lincoln Avenue · Suite 6010 · Olean, NY 14760-1158

Cayuga County DSS

County Office Building · 160 Genesee Street · 2nd Floor · Auburn, NY 13021-3433

Chautauqua County DSS

339 Central Ave., Jamestown, NY 14701

Chemung County DSS

Human Resource Center · 425 Pennsylvania Avenue · Elmira, NY 14902

Chenango County DSS

County Office Building · Court Street · Norwich, NY 13815

Clinton County DSS

13 Durkee Street · Plattsburgh, NY 12901-2911

Columbia County DSS

25 Railroad Avenue · P.O. Box 458 · Hudson, NY 12534

Cortland County DSS

County Office Building · 60 Central Avenue · Cortland, NY 13045-5590

Delaware County DSS

111 Main Street · P.O. Box 469 · Delhi, NY 13753-1265

Dutchess County DSS

60 Market Street · Poughkeepsie, NY 12601-3299

Erie County DSS

Rath County Office Building · 95 Franklin Street, 8th Floor · Buffalo, NY 14202-3959

Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



Essex County DSS

7551 Court St. · PO Box 217 · Elizabethtown, NY 12932

Franklin County DSS

Court House · Malone, NY 12953

Fulton County DSS

4 Daisy Lane · P.O. Box 549 · Johnstown, NY 12095

Genesee County DSS

5130 East Main St. · Suite #3 · Batavia, NY 14020-3497

Greene County DSS

465 Main Street · P.O. Box 528 · Catskill, NY 12414-1716

Hamilton County DSS

White Birch Lane · P.O. Box 725 · Indian Lake, NY 12842-0725

Herkimer County DSS

320 North Washington Street · Site 2110 · Herkimer, NY 13350

Jefferson County DSS

Human Services Building · 250 Arsenal Street · Watertown, NY 13601

Lewis County DSS

Outer Stowe Street · P.O. Box 193 · Lowville, NY 13367

Livingston County DSS

Livingston County Campus · Building #3 · Mt. Morris, NY 14510-1699

Madison County DSS

North Court St. · P.O. Box 637 · Wampsville, NY 13163

Monroe County DSS

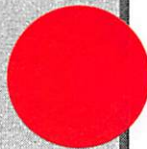
111 Westfall Road · Rochester, NY 14620-4686

Montgomery County DSS

County Office Building · 64 Broadway · Fonda, NY 12068

Nassau County DSS

101 County Seat Drive · Mineola, NY 11501





Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

New York City

Bronx Field Office, 192 E 151st Street, Bronx, NY 10451

Brooklyn Field Office, 1274 Bedford Avenue, Brooklyn, NY 11216

Manhattan Field Office · 150 William Street, 18th fl, NY 10038

Queens Field Office, 165-15 Archer Avenue, Jamaica, NY 11433

Staten Island ACS Field Office, 350 St. Marks Place, 5th Floor, Staten Island, NY 10301

Niagara County DSS

100 Davison Rd. P.O. Box 506 · Lockport, NY 14095-0506

Oneida County DSS

County Office Building · 800 Park Avenue · Utica, NY 13501-2981

Onondaga County DSS

Onondaga Co. Civic Center · 421 Montgomery Street · Syracuse, NY 13202-2923

Ontario County DSS

3010 County Road #46 · Canandaigua, NY 14424-1296

Orange County DSS

Quarry Road, Box Z · Goshen, NY 10924-0678

Orleans County DSS

14016 Route 31 West · Albion, NY 14411-9365

Oswego County DSS

100 Spring Street · Mexico, NY 13114

Otsego County DSS

County Office Building · 197 Main Street · Cooperstown, NY 13326-1196

Putnam County DSS

110 Old Route Six Center, Building #2 · Carmel, NY 10512-2110

Rensselaer County DSS

133 Bloomingrove Drive · Troy, NY 12180-8403

Rockland County DSS

Building L · Sanatorium Road · Pomona, NY 10970

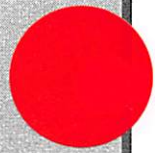
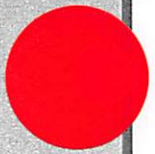
St. Lawrence County DSS

Harold B. Smith County Office Building · 6 Judson Street · Canton, NY 13617-1197

Saratoga County DSS

County Complex · McMaster Street · Ballston Spa, NY 12020

Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



Schenectady County DSS

106 Erie Boulevard · Schenectady, NY 12305

Schoharie County DSS

County Office Building · P.O. Box 687 · Schoharie, NY 12157

Schuyler County DSS

County Office Building · 105 Ninth Street · Watkins Glen, NY 14891

Seneca County DSS

1 DiPronio Drive · P.O. Box 690 · Waterloo, NY 13165-0690

Steuben County DSS

3 East Pulteney Square · Bath, NY 14810

Suffolk County DSS

3085 Veterans Memorial Highway · Ronkonkama, NY 11779

Sullivan County DSS

16 Community Lane · P.O. Box 231 · Liberty, NY 12754

Tioga County DSS

P.O. Box 240 · Owego, NY 13827

Tompkins County DSS

320 West State Street · Ithaca, NY. 14850

Ulster County DSS

1061 Development Court · Kingston, NY 12401-1959

Warren County DSS

Warren Co. Municipal Center · Lake George, NY 12845-9803

Washington County DSS

Municipal Building · 383 Broadway · Fort Edward, NY 12828

Wayne County DSS

77 Water Street · P.O. Box 10 · Lyons, NY 14489-0010

Westchester County DSS

County Office Building #2 · 112 East Post Road · White Plains, NY 10601-5113

Wyoming County DSS

466 North Main Street · Warsaw, NY 14569-1080

Yates County DSS

County Office Building · 417 Liberty Street, Suite 2122 · Penn Yan, NY 14527-1118



Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect

Where You Can Find More Information:

Administration for Children & Families — www.acf.dhhs.gov

The Administration for Children and Families (ACF) is a federal agency funding state, territory, local, and tribal organizations to provide family assistance (welfare), child support, child care, Head Start, child welfare, and other programs relating to children and families.

ACF – Children's Bureau Express — www.cbexpress.acf.hhs.gov

The Children's Bureau Express is designed for professionals concerned with child abuse and neglect, child welfare, and adoption. The Children's Bureau Express is supported by the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services and published by the National Clearinghouse on Child Abuse and Neglect Information and the National Adoption Information Clearinghouse.

Annie E. Casey Foundation — www.aecf.org

Since 1948, the Annie E. Casey Foundation (AECF) has worked to build better futures for disadvantaged children and their families in the United States. The primary mission of the Foundation is to foster public policies, human service reforms, and community supports that more effectively meet the needs of today's vulnerable children and families.

Child Abuse Reporting — www.dorightbykids.org

Monroe County Health and Human Services maintains a Website dedicated to learning about preventing and reporting child abuse.

Child Welfare League of America — www.cwla.org

The Child Welfare League of America is the nation's oldest and largest membership-based child welfare organization. It is committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

Child Welfare Institute — www.gocwi.org

This organization's mission is to provide information, ideas, and guidance in the field of child welfare training and organizational development consultation.

National Children's Alliance — www.nca-online.org

The National Children's Alliance is a group of 53 national organizations with an interest in the well-being of children and youth.

National Clearinghouse on Child Abuse and Neglect — nccanch.acf.hhs.gov

The Clearinghouse is a national resource for professionals and others seeking information on child abuse and neglect and child welfare.

Mandated Reporter Training: Identifying and Reporting Child Abuse and Maltreatment/Neglect



National Data Archive on Child Abuse & Neglect — www.ndacan.cornell.edu

A resource since 1988, NDACAN promotes scholarly exchange among researchers in the child maltreatment field. NDACAN acquires microdata from leading researchers and national data collection efforts and makes these datasets available to the research community for secondary analysis.

New York State Office for Children and Family Services — www.ocfs.state.ny.us

A variety of resource information related to child abuse and maltreatment/neglect specific to New York State.

U.S. Department of Health and Human Services — www.os.dhhs.gov

A wide variety of resources is available on the home page of this federal agency.

General Causes & Risk Factors for Child Abuse



All of the causes of child abuse are not known, but a significant amount of research points to several factors that put children at risk for abuse. There are many reasons why some people have difficulty meeting the demands of parenthood, including:

- economic crisis
- domestic violence
- lack of parenting knowledge
- difficulty in relationships
- depression or other mental health problems
- drug or alcohol problems
- immaturity and unrealistic expectations
- unmet emotional needs
- the stresses of child care

When these circumstances combine with the challenges of child rearing, parents who are otherwise well intentioned can harm or neglect their children.

Child abuse and neglect cross all ethnic, social and economic lines. Most instances of child abuse are not caused by inherently violent or evil people, but by parents who are unable to cope with their tempers in a time of crisis.

The best way to prevent child abuse and neglect is to support families and provide parents with the skills and resources they need to be effective caregivers.

2010 New York State Child Protective Services Data

County	# of Reports	# of children in Reports	# indicated Reports	# Children in indicated reports
ALBANY	3381	4309	801	1218
ALLEGANY	674	939	158	260
BROOME	3035	4019	1025	1681
CATTARAUGUS	1491	1835	371	574
CAYUGA	1179	1424	259	383
CHAUTAUQUA	2166	2802	549	888
CHEMUNG	1476	2143	385	688
CHENANGO	946	1256	319	504
CLINTON	1129	1417	317	500
COLUMBIA	1010	1290	203	351
CORTLAND	839	1117	323	489
DELAWARE	538	777	202	352
DUTCHESS	2764	3547	904	1323
ERIE	9541	12745	2364	3855
ESSEX	515	625	83	125
FRANKLIN	776	970	261	379
FULTON	1157	1394	237	327
GENESEE	769	939	223	323
GREENE	716	868	187	279
HAMILTON	30	40	6	11
HERKIMER	679	953	147	259
JEFFERSON	1813	2570	606	973
LEWIS	284	412	75	129
LIVINGSTON	679	921	124	192
MADISON	999	1282	230	374
MONROE	6315	8678	1260	2010
MONTGOMERY	992	1220	209	344
NASSAU	6518	8816	1572	2458
NIAGARA	2702	3492	582	889
ONEIDA	3200	4230	1006	1613
ONONDAGA	5588	7417	1047	1781
ONTARIO	1456	1748	373	550
ORANGE	3140	4196	604	982
ORLEANS	503	744	197	337

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OSWEGO	2285	3154	742	1276
OTSEGO	654	877	132	200
PUTNAM	476	659	123	186
RENSSELAER	2195	2807	524	823
ROCKLAND	1389	1878	274	462
ST. LAWRENCE	1476	1874	378	557
SARATOGA	1878	2430	501	802
SCHENECTADY	2540	3375	704	1143
SCHOHARIE	408	589	111	207
SCHUYLER	256	353	76	124
SENECA	607	698	156	218
STEUBEN	1542	2148	418	701
SUFFOLK	9926	13715	2781	4555
SULLIVAN	1062	1398	254	423
TIOGA	674	921	179	302
TOMPKINS	891	1144	98	155
ULSTER	2081	2711	522	831
WARREN	973	1215	263	381
WASHINGTON	1066	1390	263	431
WAYNE	1091	1470	323	529
WESTCHESTER	6294	7924	1549	2321
WYOMING	390	554	99	157
YATES	491	525	168	233
ST. REGIS	92	121	27	45
NYC	58238	78690	23419	35083
STATE OFFICES	2243	2189	408	532
STATEWIDE	170,218	225,944	51,701	80,078
2002 Statewide Total	153,646	259,668	46,761	81,499
2003 Statewide Total	147,339	245,515	44,495	77,086
2004 Statewide Total	140,720	236,215	43,160	76,034
2005 Statewide Total	139,169	185,819	42,641	64,207
2006 Statewide Total	158,860	209,620	51,552	76,797
2007 Statewide Total	154,837	206,194	50,093	76,014
2008 Statewide Total	163,808	216,267	51,830	78,891
2009 Statewide Total	167,530	225,237	52,792	82,161

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Source: OCFS NYS Central Register of Child Abuse and Maltreatment

Excessive Corporal Punishment

Corporal punishment is excessive if it goes beyond what is objectively reasonable. In assessing what is reasonable, the following criteria should be considered:

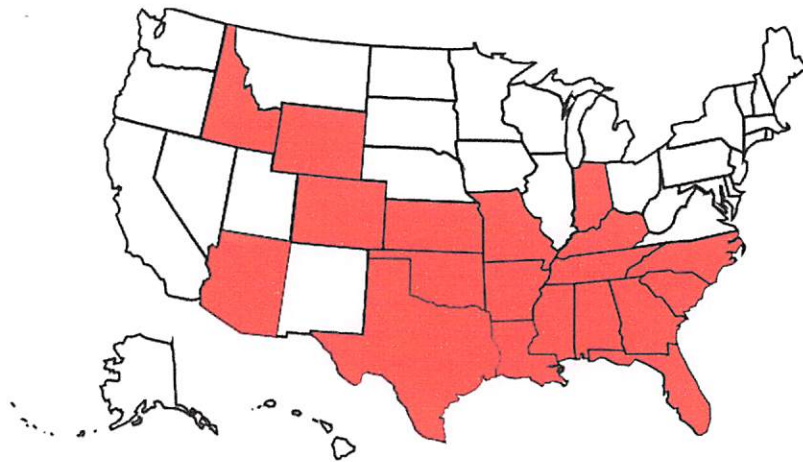
- ◆ The child's age, sex, physical and mental condition, and capacity to understand correction;
- ◆ The nature of the punishment;
- ◆ The seriousness of the injury to the child or risk of serious injury;
- ◆ The means of punishment used – is it appropriate to correct the child's behavior – are less severe alternatives available;
- ◆ The purpose of the punishment;
- ◆ The child's behavior which requires correction;
- ◆ The character of the punishment, whether it is degrading or brutal;
- ◆ Duration of punishment, whether it is protracted beyond the child's endurance.

Immediate Considerations

- ◆ Has a healthcare provider (e.g., school nurse) performed a physical examination? What were the results?
- ◆ Are there any visible signs of injury to the child's body? Has the healthcare provider recorded a precise description of the injury, including age of the injury, location on the body, color, other injuries that have healed, and diagnosis?
- ◆ What is the child's capacity to understand correction?
- ◆ Was the child interview concerning the history, purpose, and reason for punishment? Good note taking is essential. Use direct quotes.

U.S.: Corporal Punishment and Paddling Statistics by State and Race

31 States (In White) Have Banned School Corporal Punishment



Nineteen states (shaded) have laws permitting corporal punishment in schools.

In the 2005-2006 school year, 223,190 school children in the U.S. were subjected to physical punishment. This is a significant drop of almost 18%, continuing a steady trend from the early 1980's.

The 10 worst states, by percentage of students struck by educators in the 2005-2006 school year:

Rank	State	Percentage
1	Mississippi	7.5
2	Arkansas	4.7
3	Alabama	4.5
4	Oklahoma	2.3
5	Louisiana	1.7
6	Tennessee	1.5
7	Texas	1.1
8	Georgia	1.1
9	Missouri	.6
10	Florida	.3

Notes:

African-American students comprise 17% of all public school students in the U.S., but are 36% of those who have corporal punishment inflicted on them, more than twice the rate of white students.

Almost 40% of all the cases of corporal punishment occur in just two states: Texas and Mississippi, and if we add Arkansas, Alabama and Georgia, these five states account for almost three quarters of all the nation's school paddlings.

Center for Effective Discipline July 1, 2010

Corporal Punishment in U.S. Public Schools

2005-2006 School Year: data released March, 2008

In the 2005-2006 school year, 223,190 school children in the U.S. were subjected to physical punishment. This is a significant drop of almost 18%, continuing a steady trend from the early 1980's.

State	Number of Students Hit	Percentage of Total Students
Alabama	33,716	4.5
Arkansas	22,314	4.7
Arizona	16	<0.0
Colorado	8	<0.0
Florida	7,185	.3
Georgia	18,249	1.1
Idaho	111	.04
Indiana	577	.05
Kansas	50	.01
Kentucky	2,209	.3
Louisiana	11,080	1.7
Missouri	5,159	.6
Mississippi	38,131	7.5
North Carolina	2,705	.2
New Mexico	705	.2
Ohio	672	.04
Oklahoma	14,828	2.3
South Carolina	1,409	.2
Tennessee	14,868	1.5
Texas	49,197	1.1
Wyoming	0	0

Source: <http://www.stop hitting.com/index.php?page=statesbanning>

Worldwide Bans on Corporal Punishment

Every industrialized country in the world now prohibits school corporal punishment, except the U.S., Canada and one state in Australia. The following list shows a sample of the trend towards the elimination of corporal punishment in schools, dating as far back as the 1700s.

Year	Country
1783	Poland
1820	Netherlands
1845	Luxembourg
1860	Italy
1867	Belgium
1870	Austria
1881	France
1890	Finland
1900	Japan
1917	Russia
1923	Turkey
1936	Norway
1949	China
1950	Portugal
1958	Sweden
1967	Denmark
1967	Cyprus
1970	Germany
1970	Switzerland
1982	Ireland
1983	Greece
1986	United Kingdom***
1990	New Zealand
1990	Namibia
1996	South Africa
1998	England*
1998	American Samoa
1999	Zimbabwe
2000	Zambia
2000	Thailand
2000	Trinidad and Tobago
2001	Kenya
2002	Fiji

*This ban solidifies a ban imposed in 1986, extending the ban to ALL private schools.

*** Includes: England, Scotland, Wales, and Northern Ireland

The 10 worst states, by percentage of students struck by educators in the 2005-2006 school year:

Rank	State	Percentage
1	Mississippi	7.5
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5	Louisiana	1.7
6	Tennessee	1.5
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Notes:

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Almost 40% of all the cases of corporal punishment occur in just two states: Texas and Mississippi, and if we add Arkansas, Alabama and Georgia, these five states account for almost three quarters of all the nation's school paddlings.

The above data and more information about the study can be found at the U.S. Department of Education, Office for Civil Rights <http://ocrdata.ed.gov/>

Here's how to find corporal punishment data for your school district and school:

To get corporal punishment data from your school or school district, go to this website:

<http://ocrdata.ed.gov/>

Depending on whether you are searching for district survey results or results from a specific school, go to the "school search" or "district search" screen, fill out the form field, check the latest year of available data, and press "Search."

On the right side of the screen that comes up, go to "DISCIPLINE." Center for Effective Discipline July 1, 2010

Source: <http://www.stophitting.com/index.php?page=statesbanning>

★ **Home Alone Phone List** ★

Parent's name _____

Workplace _____

Work number _____

Cell number _____

Relative's or neighbor's name

Address _____

Phone number _____

Police _____

Fire _____

Ambulance _____

Doctor _____

Other people to call

For more information call 1-800-342-PIRC (7472)
or visit www.preventchildabuseny.org

For more home alone materials as well as information about child abuse and neglect and how to prevent it, call:

Prevention Information Resource Center and Parent Helpline
1-800-342-PIRC (7472)

A program of:
Prevent Child Abuse New York

- Increasing public awareness about solutions to the problem of child abuse.
- Serving as a resource for families, individuals and organizations
- Advocating for expanded and improved programs and policies to prevent child abuse
- Fostering a statewide network committed to child abuse prevention



www.preventchildabuseny.org



Children at Home Alone



Sometimes child care plans fall through. Sometimes parents are unable to find any child care at all. There are many reasons why parents have to confront the anxiety and fear of leaving their children home alone.

Each child is different. Some children are simply too young to be left alone. Others enjoy caring for themselves and easily accept the responsibilities. Some children may get into trouble or become lonely, bored or scared when left alone.

There are many things you should think about before leaving your child home alone.

7/4





Are your children ready to be left alone?

Here are some questions to consider before deciding whether your children should be left home alone:

- What are the children's ages and level of maturity?
- Consider the health of your children. Will they have to give each other or themselves any medications?
- Do any of your children have special needs or require constant supervision?
- Can they be trusted to follow rules?
- What is the reason for leaving your children? Is there any way they can come with you or stay with another adult?
- How long will they be left alone?
- What responsibilities will be assigned to them? Will a young child be expected to prepare meals or baby-sit for an even younger child?
- Is an older or adolescent sibling willing and able to care for a younger child?
- Who will be available in case of an emergency? Do your children have the telephone number of someone to call for help?
- Is there a past history of injuries or accidents when your children were left alone?

from Recognizing Child Abuse by Douglas J. Besharov, 1990.



If you decide to leave your children home alone, be sure to prepare them for the experience.

This is an opportunity to discuss all aspects of safety with your children and to help them build their confidence

and self-esteem.

Talk to your children about their feelings about being left alone. Take their worries and fears into consideration. **Go over the following home alone strategies with your children:**

Plan the safest route to and from school. Walk the route both ways with your children and point out safe spots, such as stores, shopping malls, and friends' houses. Make sure your children's house keys don't have a name or address on them. Tell them to call you as soon as they get home.

Teach your children not to go into the house if a window is broken or a door is ajar. Make sure they can lock and unlock the doors with ease and operate the alarm system if you have one. Tell them to lock all doors once they are inside. Ask your neighbor to keep a spare key in case your kids lose theirs.

Teach your children how to call 911 and other emergency numbers in case of an emergency. Make sure they know their names, address, phone number including area code, and how to give directions to your home.

Ask a trusted neighbor, friend or relative to check in with the kids. Create a safety net of people and community resources for your children so they always have someone who can get to them quickly.



Tell your children never to accept gifts or rides from people they don't know or don't feel comfortable with.

Teach them to avoid playing outside or walking alone. Make up code words with your children so

they can communicate if they are in danger.

Review fire and safety rules. Teach them how to use a fire extinguisher and what to do if there is a fire. Make sure there is a working fire extinguisher in every room.

Set clear rules about what your children can and can not do and what you expect from them. Discuss with your children the routines you expect them to follow regarding household chores, having friends over, homework, television, and video games.

Anticipate things your children may need. Keep a list of important phone numbers near every phone in the house. Keep easy to prepare snacks on hand so your children don't have to use the stove, microwave or knives. Have flashlights and first-aid kits in the house.

Always let your children know where you are. If you are not going to be home at your normal time, let your children know you'll be late. Let a trusted adult know your children may need to reach them if you are not available and make sure your children know how to get in touch with that person.

Rehearse different scenarios with your children. What would they do if the doorbell rang? If they received a frightening phone call? If you were late getting home?

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Mandated Reporter Training:

Identifying and Reporting
Child Abuse and
Maltreatment/Neglect

While you're waiting for class to begin...

*Please complete the quiz (pre-test) on
p. 3 of your book.
Ignore question #4

INTRODUCTIONS AND HOUSEKEEPING

We're Barb and Lois—pleased to meet you!

3-hour course with a 15-minute break, but take one if you need one!

Complex issues—need to learn how to THINK about them!

Texts

Questions: ask them! Anytime!

Who can be Reported?

- ^ **Day Care Provider**
- ^ **Parent**
- ^ **Guardian**
- ^ **Residential Child Care Staff**

Consider the Child

- **Must be less than 18 years of age**
- **What has happened?**
- **Who is responsible?**
- **Non-accidental**
- **Has to have a tangible and non-fleeting effect**

CONSIDER YOURSELF, THE MANDATED REPORTER

- › You are considered a mandated reported when **employed** in one of the positions specified by NYS.
- › You are a mandated reporter **when acting in your professional capacity.**
- › When acting in your professional capacity, you are responsible for an issue brought to your attention, **even if it doesn't involve a child you are working with.**
- › **And a relatively recent change, an important one...**

A RELATIVELY RECENT (2007) CHANGE TO THE LAW

- The mandated reporter is now personally responsible for making a report he or she deems necessary.
- The mandated reporter is then to notify the person in charge.

- ◆ *This change in the law in no way suggests that more than one report should be made by an organization's employees if multiple persons know about the incident.*
- ◆ *Make certain your name is included with the report if you are not the one making it!*

Role of Mandated Reporter

To report suspected incidents of child abuse or maltreatment/neglect while acting in their professional capacity.

University of Rochester Study

Mandated Reporters disclosed they were:

- ▲ **Not clear about abuse/neglect as defined in State Law**
- ▲ **Often influenced by their professional beliefs, values, and experiences**

National Incidence Study

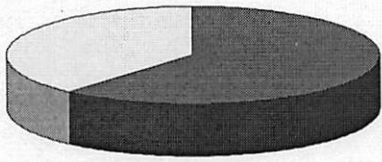
Found professionals report only half the incidents they knew about.

The reasons for this are:

- ^ **Confusion or misunderstanding about reporting laws and procedures**
- ^ **Lack of knowledge or awareness of warning signs/clues**

Reports Registered

2005



- Mandated Reporter
- Non-Mandated Reporter

COURSE OBJECTIVES

- Recognize when a given situation requires the intervention of child protective services and/or law enforcement
- Learn how to proceed to fulfill your mandate

TIME FOR AN INTRODUCTORY VIDEO!



PLEASE PAY ATTENTION TO HOW THE ADULTS ARE INTERACTING WITH THE CHILDREN

Talking with Children

- The all-purpose.. "Oh!"
- Open-ended questioning



Talking with Children

Do:

- Find a private place
- Remain calm
- Be honest, open, up-front, supportive
- Be an advocate
- Listen to the child
- Report the situation immediately

Talking with Children

Don't:

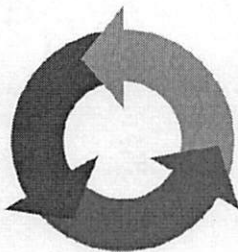
- Overreact
- Make judgments/promises
- Interrogate or investigate

HISTORY OF CHILD PROTECTION IN NYS



Child Protective Services Act of 1973

Mandated Reporter



Local Child Protective Services

State Central Register

"FILTERS"
YOUR AGE

"FILTERS"
KNOWLEDGE OF CHILD DEVELOPMENT


"FILTERS"
HOW YOU WERE PARENTED

"FILTERS"

IF YOU ARE A PARENT

"FILTERS"

HISTORY OF SOCIOECONOMIC STATUS



"FILTERS"

HISTORY OF ABUSE, MALTREATMENT, OR NEGLECT

"FILTERS"
REGION OF THE COUNTRY YOU'RE FROM


"FILTERS"
COUNTY OF ORIGIN

"FILTERS"
NEW YORK STATE LAW!

The Parenting Continuum

Excellent--Acceptable--Inconsistent--Reportable--Removable

The Parenting Continuum



Using "issue" handed to your group, provide TWO sticky notes:

- 1-What the issue looks like with inconsistent parenting
- 2-What the issue looks like with reportable parenting

Legal Framework

- ^ Immunity
- ^ Confidentiality
- ^ Penalties

IMMUNITY

You have immunity from prosecution for making a report IF you make it in "good faith."

CONFIDENTIALITY

YOURS: The Dept. of Social Services cannot disclose who made the report, and you don't have to admit to doing it.*

THE FAMILY'S: Protect the records in a confidential location! Only share information to those who NEED TO KNOW. NO gossip!

*You may be asked if you made the report if called to testify in court about it, which is rare.

Reasonable Cause to Suspect

- ^ Do not have to prove it**
- ^ Distrust or doubt is enough**
- ^ Based on observation or disclosure**
- ^ Child is harmed or in imminent danger of harm**

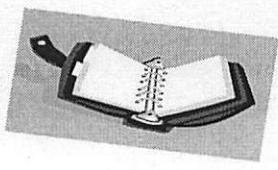
INSTITUTIONAL POLICY FOR NON-SCHOOL PERSONNEL

(School personnel follow mandate for directly reporting and informing administrator afterwards)

All others (Rec. settings, childcare, sports-related, medical facility): Ask administrator in charge for the reporting protocol and procedure.

Shh! We have a SECRET!

- Each year, keep a secret notebook
- Record...
 - Unusual things a child says or does, changes in behavior
 - Something that doesn't make sense but may later
 - Unusual occurrences with the family, e.g., a child gets picked up late, or notable parental behavior



Abuse

- ⌘ **Inflicts injury or allows injury to be inflicted**
- ⌘ **Creates or allows to be created substantial risk of physical injury**
- ⌘ **Commits or allows to be committed a sex offense**

Maltreatment/Neglect

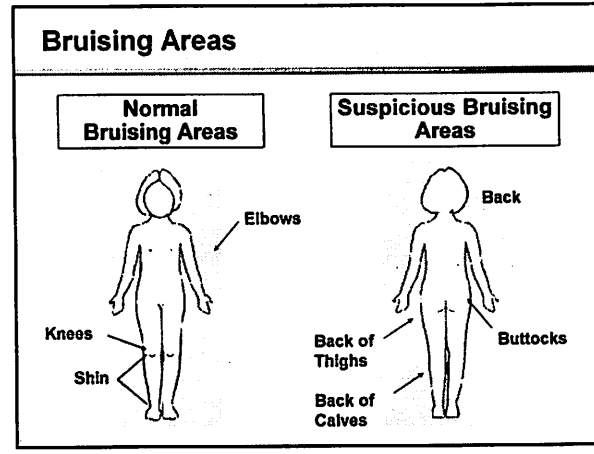
- ^ A child whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired
- ^ A parent's or custodian's failure to provide a minimum degree of care

Types of Neglect

- ^ **Fails to provide:**
 - adequate food, clothing, shelter, education, and medical care
 - proper supervision

OR

- ^ **Inflicts harm/allows to be inflicted, including the infliction of excessive corporal punishment**
- ^ **Misuses alcohol or other drugs**
- ^ **Abandonment**



Mandated Reporter Records

^ Requires mandated reporters to provide records regarding a mandated report necessary for a CPS investigation, irrespective of HIPPA proscriptions or any other privilege.

^ SSL §415

Common Indicators

^ **Child's Physical Indicators**

^ **Child's Behavioral Indicators**

^ **Parent's Behavioral Indicators**

Imminent Danger

^ **Distance between child and harm by actions or failure to act**

^ **Could occur immediately or very soon**

^ **How direct the threat is to the child**

Case Scenarios

- ^ **What indicators are present?**
- ^ **Is there reasonable cause to suspect abuse or maltreatment/neglect?**
- ^ **If so, who is responsible for abuse or maltreatment/neglect?**
- ^ **What are your next steps?**

Evaluating Your Response

- Category A **This should be left to the family**
- Category B **Assistance to seek community agency or resource as appropriate**
- Category C **Reportable to State Central Register (SCR)**
- Category D **Call Police Immediately**

CARR- Child Abuse Resources

Books (Search the *Catalog* in MyRedDragon's Library Tab, find at Memorial Library)

Child Abuse - Langwith, Jacqueline (Call Number: TMC HV6626.52 .C5433 2011)

Childhood Victimization - Finkelhor, David (Call Number: HV741 .F55 2008)

Family Abuse and Violence - Miller, JoAnn L.; Dean D. Knudsen (Call Number: HV6626.2 .M55 2007)

Handbook of Child Sexual Abuse - Lewis, Michael; Paris Goodyear-Brown (Editor) (Call Number: HV6570 .H356 2012)

Prologue to Violence - Stein, Abby (Call Number: HV6626.5 .S84 2007)

The Encyclopedia of Child Abuse - Clark, Robin E.; Judith Freeman Clark; Christine Adamec (Call Number: Ref. HV6626.5 .C57 2007)

eBooks (Search and access through the *Catalog* in MyRedDragon's Library Tab)

Child abuse and neglect- Palusci, Vincent J. and Howard Fischer

Child protection, domestic violence and parental substance misuse- Cleaver, Hedy et al

Creating Safer Organisations: Practical Steps to Prevent the Abuse of Children by Those Working

With Them- Erooga, Marcus)

Domestic violence and child protection- Humphreys, Catherine

Safeguarding children from emotional maltreatment- Barlow, Jane

Social Work Practice with Children, Third Edition- Webb, Nancy Boyd)

Subject Headings: (Suggested Subjects to search in the Catalog)

Broad terms:

Abused Children
Child Abuse
Child Neglect
Child Welfare
Family Violence

Narrow terms:

Child Abuse-Prevention
Child Abuse-Study and Teaching
Child Abuse-Treatment
Child Abuse-United State

Academic Journals (Search *Journal Titles* in MyRedDragon's Library Tab)

Child abuse & neglect
Child abuse review
Child welfare
Education & treatment of children
Journal of child sexual abuse
Journal of family violence
Journal of school health
Vulnerable children and youth studies

Databases (Search the *Library Databases* section in MyRedDragon's Library Tab)

Education Full Text (H.W. Wilson)
Education Research Complete
ERIC
Health Reference Center Academic
Professional Development Collection
Psychology & Behavioral Sciences Collection
PsycINFO 1887 to Present
ScienceDirect
Social Sciences Full Text (H.W. Wilson)
SocINDEX with Full Text

Streaming Videos (Look in the *Library Databases for Films on Demand*, then search by title)

Breaking the Cycle of Abuse
Child Abuse: We Can All Work Against It
If I Could: Breaking the Vicious Cycle of Child Abuse- Educator's Edition
Recognizing Child Abuse

Websites

- American Professional Society on the Abuse of Children (<http://www.apsac.org/>)
- Child Abuse Prevention Association (<http://childabuseprevention.org/>)
- Child Help and National Child Abuse Hotline (<http://www.childhelp.org/>)
- International Society for the Prevention of Child Abuse and Neglect (<http://www.ispcan.org/>)
- National Alliance of Children's Trust and Prevention Funds (<http://www.ctfalliance.org/>)
- National Data Archive on Child Abuse and Neglect (<http://www.ndacan.cornell.edu/>)
- NYS Office of Children and Family Services- Child Abuse Prevention (<http://www.ocfs.state.ny.us/main/prevention/>)
- Prevent Child Abuse America (<http://www.preventchildabuse.org/index.shtml>)
- The Role of Educators in Preventing and Responding to Child Abuse and Neglect (U.S. Department of Health and Human Services)
(<https://www.childwelfare.gov/pubs/usermanuals/educator/index.cfm>)