



FAMILY INDEPENDENCE ADMINISTRATION

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POLICY DIRECTIVE #06-01-OPE

AGENCY MANDATED REPORTERS OF CHILD ABUSE

Date:	Subtopic(s):
January 10, 2006	Child Abuse
AUDIENCE	This policy directive is intended for all non-public assistance (NPA) and Food Stamp (FS) staff.
POLICY	In New York State, all social services workers are mandated to report all instances of suspected child abuse, maltreatment and neglect to the State Central Register.
BACKGROUND	The New York State Family Court Act (Section 1012) and the Social Services Law (Section 412) define an abused child as one less than 18 years of age whose parent or other person legally responsible for his/her care: <ul style="list-style-type: none">• inflicts, or allows to be inflicted, physical injury by other than accidental means;• creates, or allows to be created, a substantial risk of physical injury by other than accidental means that would be likely to cause death or serious or protracted disfigurement, protracted impairment of physical or emotional health, or loss or impairment of any body organ;• commits or allows to be committed a sex offense (including incest and obscene sexual performance) against the child; or• allows, permits or encourages the child to engage in prostitution.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 2 at the prompt followed by 765 or
send an e-mail to *FIA Call Center*

Distribution: X

Definition of maltreatment

Section 412 of the Social Services Law defines a **maltreated** child as one who has had serious physical injury inflicted upon him/her by other than accidental means or who is neglected.

Definition of neglect

Section 1012 of the Family Court Act defines a **neglected** child as one less than 18 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/her parent(s) or other person legally responsible for his/her care to exercise a minimum degree of care (including adequate food, shelter, clothing, supervision and education). This may also include the infliction of excessive corporal punishment, misuse of a drug or drugs, or any other acts requiring the aid of the court.
- who has been abandoned by his/her parents or other person legally responsible for the child's care.

Mandated reporting requirement

According to Social Services Law (SSL) 413(1), social service workers are mandated reporters and are required to report child abuse, maltreatment or neglect when presented with reasonable cause to suspect such while acting as representatives of the agency. As mandated reporters, Workers are required to contact the New York State Child Abuse and Maltreatment register by phone to make a verbal report and follow it up with a written report by completing and submitting The Report of Suspected Child Abuse or Maltreatment (**LDSS-2221-A**).

In addition, whenever a staff member is required to report child abuse, s/he must notify the person in charge of the agency, or his/her designated agent, who will then also become responsible for ensuring that such reports are made.

Penalties for Failure to Report Suspicions of Child Abuse

Section 420 of the Social Services Law stipulates that a mandated reporter who willfully fails to report a case of suspected child abuse or maltreatment shall be guilty of a Class A misdemeanor. In addition, s/he can be held civilly liable for the damages proximately caused by such a failure.

REQUIRED ACTION

Use **LDSS-2221-A** to report suspected child abuse, maltreatment or neglect.

If at any point of contact with a Public Assistance (PA) and/or Food Stamp (FS) applicant/participant a Worker reasonably believes that a child is the victim of abuse, maltreatment, or neglect, the Worker must proceed as follows:

- immediately notify his/her supervisor of his/her suspicions;
- call the New York State Child Abuse and Maltreatment Register at (800) 635-1522 to report his/her suspicions;
- complete the first two sections of the **LDSS-2221-A** and make a copy;
- send the original of this form directly to the State Central Register, 40 North Pearl Street, Albany, NY 12243;
- request findings of any investigation related to the filed report from the New York State Child Abuse and Maltreatment Register;
- file the copy of the filed **LDSS-2221-A** report and any other related documents or correspondence into the case file except domestic violence-related documents; and
- enter a case comment explaining what actions were taken to comply with this policy.

Note: If at any point the worker actually observes child abuse or maltreatment happening in the Center, the building's Security Department must also be immediately notified.

If a Supervisor is notified by a Worker that s/he reasonably believes that a child is the victim of abuse or maltreatment, the Supervisor must ensure that the Worker has followed the mandated procedure for reporting the suspected abuse to the New York State Child Abuse Register.

If the Worker has failed to, unreasonably delays in, or refuses to file a report of suspected abuse, the Supervisor must:

- independently file an oral report with the New York State Child Abuse and Maltreatment Register at (800) 635-1522;
- complete the first two sections of the **LDSS-2221-A** and make a copy;
- send the original of this form directly to the State Central Register, 40 North Pearl Street, Albany, NY 12243;
- request findings of any investigation related to the filed report from the New York State Child Abuse and Maltreatment Register;
- file the copy of the **LDSS-2221-A** report and any other related documents or correspondence into the case file except domestic violence-related documents; and
- enter a case comment explaining what actions were done to comply with this policy.

PROGRAM IMPLICATIONS

Paperless Office System (POS) Implications

To comply with this policy in POS, staff must:

- scan and index the copy of the **LDSS-2221-A** report and any other related documents or correspondence into the electronic case file except domestic violence-related documents;
- scan all other non-POS-generated forms and notices that are signed by the individual into the electronic case record, except domestic violence-related documents; and
- enter a case comment to explain the actions taken by clicking on the case comments icon or typing <ALT>M on the keyboard.

Model Center Implications

The instructions in this policy directive should be followed by staff in the Customer Service Information Center (CSIC), as well as all JOS/ES staff who interview applicants and participants.

Food Stamp Implications

There are no Food Stamp implications.

Medicaid Implications

There are no Medicaid implications.

LIMITED ENGLISH SPEAKING ABILITY (LESA) IMPLICATIONS

For Limited English Speaking Ability (LESA) applicants, make sure to obtain appropriate interpreter services in accordance with Policy Directive (PD) #05-37-OPE. For the hearing impaired applicants and participants follow procedures as outlined in PD #05-40-OPE.


FAIR HEARING IMPLICATIONS

There are no Fair Hearing implications.

REFERENCES

The New York State Family Court Act (Section 1012)
Social Services Law (Sections 412, 413 and 415)

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

LDSS-2221-A Report of Suspected Child Abuse or Maltreatment
(Rev. 10/2002)

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

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

SUBJECTS OF REPORT

List all children in household, adults responsible and alleged subjects.				Sex (M, F, Unk)	Birthday or Age Mo/Day/ Yr	Ethnic Code	Relation Code	Role	Lang.
Line #	Last Name	First Name	Aliases						
1.									
2.									
3.									
4.									
5.									
6.									
7.									

☐ MORE

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

BASIS OF SUSPICIONS

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

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

State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time/date of alleged incident)

MO

DAY

YR

The Mandated Reporter Requests Finding of Investigation ☐ YES ☐ NO

CONFIDENTIAL**SOURCE(S) OF REPORT****CONFIDENTIAL**

NAME	TELEPHONE () -	NAME	TELEPHONE () -
ADDRESS		ADDRESS	
AGENCY/INSTITUTION		AGENCY/INSTITUTION	

RELATIONSHIP (✓ = REPORTER, X = SOURCE)

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

For Use By Physicians Only	Medical Diagnosis on Child	Signature of Physician who examined/treated child X	Telephone No. () -
	Hospitalization Required: <input type="checkbox"/> None <input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks		
Actions Taken Or	<input type="checkbox"/> Medical Exam	<input type="checkbox"/> X-Ray	<input type="checkbox"/> Removal/Keeping
About To Be Taken	<input type="checkbox"/> Photographs	<input type="checkbox"/> Hospitalization	<input type="checkbox"/> Returning Home
Signature of Person Making This Report		Title	Date Submitted Mo. Day Yr.

NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

TO ORDER MORE LDSS-2221A FORMS: Internet : <http://www.ocfs.state.ny.us/main/forms/> ,

Intranet: <http://www.sdssnet5/ocfs/admin/forms/> choose OCFS-4627 "County Forms Request. Difficulty accessing the order form? Call (518) 473-0971.

TO ACCESS FORM LDSS-2221A electronically: Internet : <http://www.ocfs.state.ny.us/main/forms/> ,

Intranet: <http://www.sdssnet5/ocfs/admin/forms/> choose LDSS-2221A. YOU MUST SUBMIT A PAPER COPY, ORIGINALLY SIGNED LDSS-2221A FORM to the local child protective services.

KEY TO CODES ON THE FRONT PAGE OF FORM LDSS-2221A						
ETHNICITY CODES	RELATION CODES FAMILIAL REPORTS			ROLE CODES	LANGUAGE	
AA: African-American	AU: Aunt/Uncle	XX: Other	PA:	AB: Abused Child	CH: Chinese	KR: Korean
AS: Asian	CH: Child	Parent	PS:	MA: Maltreated Child	CR: Creole	MU: Multiple
CW: Caucasian	GP: Grandparent	Parent Substitute	UH:	AS: Alleged Subject	EN: English	PL: Polish
HL: Hispanic	FM: Other Fam. Member	Unrelated Home Mem.	UK:	(Perpetrator)	FR: French	RS: Russian
UK: Unknown	FP: Foster Parent	Unknown		NO: No Role	GR: German	SI: Sign
XX: Other	DC: Daycare Provider			UK: Unknown	HI: Hindi	SP: Spanish
	<u>IAB REPORTS ONLY</u>				HW: Hebrew	VT: Vietnamese
	AR: Administrator	IN: Instit. Non-Prof			IT: Italian	XX: Other
	CW: Child Care Worker	IP: Instit. Pers/Vol.	PI:		JP: Japanese	
	DO: Director/Operator	Psychiatric Staff				

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

Section 412. Definitions

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

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

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

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

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

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

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

NYS CHILD ABUSE AND MALTREATMENT REGISTER:

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

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

Section 420. Penalties for Failure to Report.

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

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

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