



FAMILY INDEPENDENCE ADMINISTRATION

Seth W. Diamond, Executive Deputy Commissioner



James K. Whelan, Deputy Commissioner
Policy, Procedures, and Training

Lisa C. Fitzpatrick, Assistant Deputy Commissioner
Office of Procedures

POLICY DIRECTIVE #08-33-OPE *(This Policy Directive Replaces PD #07-02-OPE)*

AGENCY-MANDATED REPORTERS OF CHILD ABUSE AND MALTREATMENT

Date: September 2, 2008	Subtopic(s): Child Abuse
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AUDIENCE The instructions in the policy directive are for all staff at the Job Centers and at Non Cash Assistance (NCA) Food Stamp (FS) Centers.

REVISIONS TO THE ORIGINAL DIRECTIVE

Mandated reporting requirements

This policy directive had been revised to reflect the following changes:

- Section 413 of the Social Services Law was amended effective October 14, 2007, to require that “social service workers”, in their professional or official capacity, are mandated reporters.
- Mandated reporters are required to report child abuse, maltreatment, or neglect when presented with reasonable cause to suspect such, or while acting as a representative of the Agency any person comes before them and states from personal knowledge facts, conditions, or circumstances which, if correct, would mean that a child has been abused or maltreated.
- FIA’s policy is to consider all staff, while acting in their professional or official capacity as a representative of the Agency, as mandated reporters.

HAVE QUESTIONS ABOUT THIS PROCEDURE?
Call 718-557-1313 then press 3 at the prompt followed by 1 or
send an e-mail to *FIA Call Center*

- As mandated reporters, all staff are required to immediately contact the New York State Child Abuse and Maltreatment Register (SCR) by phone at (800) 635-1522 to make a verbal report, before notifying his/her Supervisor and, within 48 hours, follow it up with a written report by completing and submitting the Report of Suspected Child Abuse or Maltreatment Form (**LDSS-2221-A**).
- In instances where multiple mandated reporters from the same location suspect child abuse or maltreatment regarding the same incident or circumstance, individual staff must personally make the phone call to the SCR. However, in order to avoid multiple written reports, the Director's designee must complete one cumulative written Report of Suspected Child Abuse or Maltreatment Form (**LDSS-2221-A**), not each individual reporter.
- Form **LDSS-2221-A** (9/2007) has been revised.

Use Form **LDSS-2221-A** to follow-up the phone report of suspected child abuse, maltreatment or neglect

POLICY

In New York State, all social service workers, in their professional or official capacity, are mandated to report all instances of suspected child abuse, maltreatment and neglect to the SCR. The Family Independence Administration (FIA) has expanded those defined as mandatory reporters to include all FIA staff.

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:

Definition of abuse

- inflicts, or allows to be inflicted, serious 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;
- 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.

Common indicators of physical abuse

Some common physical indicators of abuse, particularly when frequent or unexplained include:

Please note that this is not a comprehensive list of all physical indicators.

- swelling, dislocation or sprains;
- burns, possibly in distinctive patterns;
- unexpected fractures;
- lacerations (mouth, lips, gums, eyes or external genitalia)
- bruises or welts;
- Injuries to eyes, or both sides of the body.

Definition of maltreatment (including neglect)

Section 412 of the Social Services Law defines a **maltreated** child as one who is less than 18 years of age who has had serious physical injury inflicted upon him/her by other than accidental means or is a neglected child as defined by the Family Court Act.

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; or
- who has been abandoned by his/her parents or other person legally responsible for the child's care.

Physical indicators of maltreatment and neglect

While maltreatment and neglect may manifest in many different forms, some common physical indicators of maltreatment and neglect are:

Please note that this is not a comprehensive list of all physical indicators

- a failure of the minor child to thrive, physically, mentally or emotionally as a result of unwillingness or inability to provide a minimum degree of care;
- positive drug toxicology, especially in newborns
- lags in physical development
- consistent hunger, poor hygiene, and inappropriate dress for the weather
- speech disorders
- consistent lack of supervision, for extended periods, or in dangerous situations
- unattended physical problems or medical needs
- chronic truancy
- abandonment

Immunity from liability

Section 419 of the Social Services Law also states:

“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 criminal, that might otherwise be reason for such action.”

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, he/she may be held civilly liable for the damages proximately caused by such a failure.

Protection from retaliatory personnel action

Section 740 of the Labor Law states that any retaliatory personnel action against mandated reporters for making a report to the SCR is in violation of the law and is not permitted.

REQUIRED ACTION

All staff are required to report child abuse, maltreatment, or neglect when presented with reasonable cause to suspect such, or when any person comes before them, while the staff member is acting as a representative of the Agency, and states from personal knowledge facts, conditions, or circumstances which, if correct, would mean that a child has been abused or maltreated.

If at any point a person comes before a staff member and claims personal knowledge of circumstances that would mean a child has been abused, neglected or maltreated, or a staff member comes into direct contact with a Cash Assistance (CA) and/or FS applicant/participant and observes one of the physical indicators listed or reasonably believes that a child is the victim of abuse, maltreatment, or neglect, he/she must proceed as follows:

Revised

- Immediately call the SCR at (800) 635-1522 to report his/her suspicions;
- Obtain the Call ID# assigned to the oral report by the SCR;
- Notify his/her Supervisor of his/her call to SCR.

Note: If at any point a staff member actually witnesses child abuse or maltreatment happening in the Center/Office, the building’s Security Department must be immediately notified.

Supervisor responsibility Where a Supervisor is notified by a subordinate that he/she has made a call to the SCR because he/she believes that a child is the victim of abuse or maltreatment, the Supervisor must:

Instructions for completing **LDSS-2221A** are on reverse side of form.

- complete the first two sections of Form **LDSS-2221-A** and make a copy;
- send the original Form **LDSS-2221-A** (within 48 hours of the oral report) directly to the Administration for Children’s Services (ACS) at:

NYC Children’s Services
150 Williams Street, 18th Floor
New York, NY 10038

In instances of residential institutional abuse, submit the original **LDSS-2221-A** directly to:

OCFS New York City Regional Office
80 Maiden Lane, 24th Floor,
New York, NY 10038

- request findings from the SCR of any investigation related to the filed report; and
- forward a copy of Form **LDSS-2221-A** and any other related documents or correspondence to the Director’s office for filing in a separate, confidential paper file (not in the case file), except domestic violence-related documents.

Multiple Mandated Reporters

Revised

[See SSL Section 413; OCFS-INF-01](#)

If there are multiple mandated reporters from the same location who reported a suspected child abuse or maltreatment situation stemming from the same incident and have assigned SCR numbers, the Director’s designee must be notified. The Director’s designee will compile the information from each mandated reporter and will complete and submit the written report (**LDSS-2221-A**). The written report must include the names and contact information of all persons with direct knowledge of the alleged abuse or maltreatment and identify all mandated reporters on whose behalf the form is submitted. The Director’s designee is then responsible for all subsequent follow-up actions.

**PROGRAM
IMPLICATIONS**

Paperless Office
System (POS)
Implications

Copies of Form **LDSS-2221-A** and other related documents, especially those related to any form of domestic violence, are not to be scanned into the electronic case record.

Reminder: The **LDSS-2221-A** must not be part of the electronic or paper case file. It must be kept in the Director's confidential paper file.

Food Stamp
Implications

There are no Food Stamp implications.

Medicaid
Implications

There are no Medicaid implications.

**LIMITED ENGLISH
SPEAKING
ABILITY (LESA)
AND HEARING
IMPAIRED
IMPLICATIONS**

There are no LESA implications.


**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 , 419, 420 and 422](#)
[18 NYCRR Part 432](#)
[07-OCFS-ADM-15](#)
[08-OCFS-INF-01](#)
[Labor Law, Section 740](#)

ATTACHMENTS

 Please use Print on Demand to obtain copies of forms.

LDSS-2221-A Report of Suspected Child Abuse or Maltreatment (Rev.9/2007)

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

Line #	Last Name	First Name	Aliases	Sex (M, F, Unk)	Birth day 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.

SAMPLE

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: X	Title	Date Submitted Mo. Day Yr.
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TO ACCESS THE LDSS-2221-A FORMS: 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 (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, what form number you need, how many 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 (Choose One)		ROLE CODE (Choose One)	LANGUAGE CODE (Choose One)	
AA: Black or African-American	<i>(Check Only If Hispanic/ Latino)</i>	AU: Aunt/Uncle	XX: Other	AB: Abused Child	CH: Chinese	KR: Korean
AL: Alaskan Native		CH: Child	PA: Parent	MA: Maltreated Child	CR: Creole	MU: Multiple
AS: Asian		GP: Grandparent	PS: Parent Substitute	AS: Alleged Subject (Perpetrator)	EN: English	PL: Polish
NA: Native American		FM: Other Family Member	UH: Unrelated Home Member	NO: No Role	FR: French	RS: Russian
PI: Native Hawaiian/Pacific Islander		FP: Foster Parent	UK: Unknown	UK: Unknown	GR: German	SI: Sign
WH: White		DC: Daycare Provider			HI: Hindi	SP: Spanish
XX: Other		IAB REPORTS ONLY			HW: Hebrew	VT: Vietnamese
UNK: Unknown		AR: Administrator	IN: Instit. Non-Prof		IT: Italian	XX: Other
		CW: Child Care Worker	IP: Instit. Pers/Vol.		JP: Japanese	
		DO: Director/Operator	PI: Psychiatric Staff			

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-2221-A form originally signed to: the County Department of Social Services where the abused/maltreated child resides.

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

SAMPLE