



Eliot Spitzer
Governor

NEW YORK STATE
OFFICE OF CHILDREN & FAMILY SERVICES
52 WASHINGTON STREET
RENSSELAER, NY 12144

Gladys Carrión, Esq.
Commissioner

Informational Letter

Transmittal:	07-OCFS-INF-07
To:	Commissioners of Social Services, Executive Directors of Voluntary Authorized Agencies, Directors of Day Care Centers, and Directors of Residential & Non-Residential Domestic Violence Programs
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	September 12, 2007
Subject:	Mandated Reporters; Chapter 193 of the Laws of 2007
Suggested Distribution:	Directors of Services and Child Protective Services Supervisors
Contact Person(s):	See Page 3
Attachments:	No
Attachment Available Online:	n/a

Filing References, if applicable

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
		18 NYCRR 414.10 (c), 418-1.10 (c), 441.8 (c)	NYS SSL 413	CPS Program Manual, Section VII A. Mandated Reporters	

I. Purpose

The purpose of this Informational Letter (INF) is to advise commissioners of local departments of social services (LDSS), executive directors of voluntary authorized agencies (VAs), directors of OCFS-licensed day care centers and directors of residential and non-residential domestic violence (DV) programs and their respective staff of the provisions contained in Chapter 193 of the Laws of 2007, modifying section 413 of the New York State Social Services

Law (SSL). This act became law on July 3, 2007, and is effective ninety (90) days thereafter on October 1, 2007.

II. Background

Section 413 of the SSL required that “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 immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent, who then also shall become responsible to report or cause reports to be made.” Problems cited with that current requirement included the questionable accuracy of second- or third-hand information being reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR), as well as the questionable timeliness of such reports, and subsequent ability of the child protective services (CPS) worker to follow up with the original source of the report and his or her designee in a timely manner. Chapter 193 addresses these issues as outlined below.

III. Program Implications

Beginning October 1, 2007, those mandated reporters who work for a school, child care provider, foster care facility, residential care facility, hospital, medical institution or mental health facility, and who have direct knowledge of any allegation(s) of suspected child abuse or maltreatment, must personally make a report to the SCR and then notify the person in charge of the institution or his/her designated agent that a report has been made. The person in charge, or the designated agent of such person, is then responsible for all subsequent internal administration necessitated by the report. This may include providing follow-up information (ex., relevant information contained in the child’s educational record) to CPS.

Note: Notification to the person in charge or designated agent of the medical or other public or private institution, school, facility or agency does not absolve the original mandated reporter of his or her responsibility to personally make a report to the SCR.

Further, all initial or subsequent reports made to the SCR shall include the name, title and contact information for every staff person of an institution that is believed to have direct knowledge of the allegations contained in the report. Nothing in Chapter 193, however, is intended to *require* that more than one report from any such institution, school or agency be made to the SCR.

No medical or other public or private institution, school, facility or agency shall take retaliatory personnel action against an employee who made a report to the SCR. Furthermore, no school, school official, child 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 mandated to report suspected child abuse or maltreatment.

Chapter 193 also amends section 413 of the social services law to specifically include school teachers, guidance counselors, school nurses and school social workers on the list of individuals classified as mandated reporters and therefore required to report cases of suspected child abuse or maltreatment to the SCR.

Residential and non-residential DV programs may employ staff that are explicitly listed as mandated reporters under section 413 of the SSL. Additionally, employees working at residential and non-residential programs are required to report cases of suspected child abuse or maltreatment pursuant to OCFS regulations. As such, the provisions of Chapter 193 would be applicable in residential and non-residential DV programs.

LDSS commissioners, executive directors of VAs, directors of OCFS-licensed day care centers and directors of residential and non-residential DV programs should notify their respective staff of the provisions contained in Chapter 193 of the Laws of 2007, as outlined above.

IV Contact Persons

Questions concerning this Informational Letter may be directed to:

BRO – Linda Kurtz (585) 238- 8200

User ID: Linda.Kurtz@ocfs.state.ny.us

RRO – Linda Kurtz (585) 238-8200

User ID: Linda.Kurtz@ocfs.state.ny.us

SRO – Jack Klump (315) 423- 1200

User ID: Jack.Klump@ocfs.state.ny.us

ARO – Glenn Humphreys(518) 486-7078

User ID: Glenn.Humphreys@ocfs.state.ny.us

YRO – Pat Sheehy (914) 377-2080

User ID: Patricia.Sheehy@ocfs.state.ny.us

NYCRO – Brenda Smalls (212) 383-1788

User ID: Brenda.Smalls@ocfs.state.ny.us

Native American Services – Kim Thomas (716) 847-3123

User ID: Kim.Thomas@ocfs.state.ny.us

/s/ Nancy W. Martinez

Issued By: Nancy W. Martinez, Director
 Division/Office: Strategic Planning & Policy Development
 New York State Office of Children & Family Services