

Mandatory Reporting Requirements: Children New York

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Question	Answer
Who is required to report?	<ul style="list-style-type: none">• Any of the following, when acting in their professional or official capacities:<ul style="list-style-type: none">• Physicians;• Registered physician assistants;• Surgeons;• Medical examiners;• Coroners;• Dentists;• Dental hygienists;• Osteopaths;• Optometrists;• Chiropractors;• Podiatrists;• Residents;• Interns;• Psychologists;• Registered nurses;• Social workers;• Emergency medical technicians;• Licensed creative arts therapists;• Licensed marriage and family therapists;• Licensed mental health counselors;• Licensed psychoanalysts;• Licensed behavior analysts;• Certified Behavior Analyst Assistants;• Hospital personnel engaged in the admission, examination, care, or treatment of persons;• Christian Science practitioners;• School officials (which includes, but is not limited to, school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator, other school personnel required to hold a teaching or administrative license or certificate, or full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate);• Social services workers;• Employee of a publicly-funded emergency shelter for families with children;

- Directors of a children’s overnight camp, summer day camp or traveling summer day camp;
 - Day care center workers;
 - School-age child care workers;
 - Providers of family or group family day care;
 - Employees or volunteers in a residential care facility for children that is licensed, certified or operated by the office of children and family services;
 - Child care or foster care workers;
 - Mental health professionals;
 - Substance abuse counselors;
 - Alcoholism counselors;
 - All persons credentialed by the office of alcoholism and substance abuse services;
 - Peace officers;
 - Police officers;
 - District attorneys or assistant district attorneys;
 - Investigators employed in the office of the district attorney; and
 - Any other law enforcement official.
- 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.

When is a report required and where does it go?

When is a report required?

- Reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or 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.
- Social services workers are required to report or cause a report to be made 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.
- Any person or official required to report suspected abuse or maltreatment, who has reasonable cause to suspect a child died as a result of child abuse or maltreatment shall report that to the medical examiner or coroner. The medical examiner or coroner will accept the report for investigation and must issue a preliminary written report of his or her finding within 60 days of the date of death, absent extraordinary circumstances. The medical examiner or coroner will deliver his or her final report promptly, absent extraordinary circumstances, to the police, the appropriate district attorney, the local child protective service, the office of children and family services and, if the institution making the report is a hospital, the hospital. The office of children and family services will promptly provide a copy of the preliminary and final reports to the statewide central register of child abuse and 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.

Where does it go?

- Updated reporting instructions and forms are available through the New York Statewide Central Register of Child Abuse and Maltreatment accessible at: <http://ocfs.ny.gov/main/cps/>.
- Oral reports must be made immediately to the statewide central register of child abuse and maltreatment hotline (1-800-342-3720), unless local child protective services plan provides for reports to local child protective services. In that case, the local service should immediately report to the statewide central register. Oral reports shall be followed by a report in writing within 48 hours after such oral report.
- For those mandated to report, written reports must be made to the local child protective service (except that written reports involving children in a home operated or supervised by an authorized agency must be made to the statewide central register of child abuse and maltreatment).
- 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.

What definitions are important to know?

- 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 the function of any bodily organ;
- 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 certain criminal offenses against the child; or allows, permits or encourages a child to commit certain criminal offenses.
- **“Abused child”** under the family court act means a child less than eighteen years of age whose parent or other person legally responsible for his care:
- **“Abused child”** means a child less than 18 years of age and who is defined as an abused child by the family court act (see definition below).
- **“Child”** under the family court act means any person or persons alleged to have been abused or neglected, whichever the case may be.
- **“Maltreated child”** includes a child under 18 years of age who has been defined as a neglected child by family court act (see definition below) or has had serious physical injury inflicted upon him or her by other than accidental means.
- **“Neglected child”** under the family court act means a child under the age of 18:
 - 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

	<p>care to exercise a minimum degree of care:</p> <ul style="list-style-type: none"> • in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five of the education law, or medical, dental, optometrical 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, 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 court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired; or • who has been abandoned by his parents or other person legally responsible for his care.
<p>What timing and procedural requirements apply to reports?</p>	<ul style="list-style-type: none"> • Initial reports must be made immediately by telephone or facsimile using a form supplied by the Office of Children and Family Services (available at: http://ocfs.ny.gov/main/cps/) (1-800-342-3720). A written report must follow the initial report within 48 hours.
<p>What information must a report include?</p>	<ul style="list-style-type: none"> • Written reports shall be made on forms supplied by the commissioner of the office of children and family services and shall include: <ul style="list-style-type: none"> • The names and addresses of the child and his or her parents or other person responsible for his or her care (if known); • The name and address of the residential care facility or program in which the child resides or is receiving care (if any); • 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 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 identity of 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, x-rays, removal or keeping of the child or notifying the medical examiner or coroner); and • Any other information required by regulation or which the person making the report believes might be helpful. • 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.

Anything else I should know?

- A medical or other public or private institution, school, facility or agency shall not take any retaliatory personnel action 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.
- 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.
- Any person or official required to report cases of suspected child abuse or maltreatment, including workers of the local child protective service who has reasonable cause to suspect that a child died as a result of child abuse or maltreatment shall report that fact to the appropriate medical examiner or coroner.
- Only one report must be made from an institution, school or agency.
- Whenever any person is required to report in their 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 expenses color photographs of visible trauma and shall, if medically indicated, cause to be performed a radiological examination on the child.
- 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.
- 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.
- Any person, official, or institution participating in good faith in the providing of a service pursuant to Section 424, the making of a report, the taking of photographs, the removal or keeping of a child pursuant to the title, or the disclosure of child protective services in compliance with the statute, shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions.
 - Good faith is presumed if such liability did not result from willful misconduct or gross negligence.

Statutory citation(s):

- N.Y. Soc. Serv. Law §§ 412, 413, 414, 415, 416, 418, 419, 420; N.Y. Family Court Act § 1012.