

	SECTION: Compliance			NO: 18		
	TITLE: MANDATED REPORTING					

Purpose

The purpose of this policy is to promote compliance with the New York State Mandatory Reporting Law (Reporting Law) by ensuring that applicable employees are appropriately trained and educated regarding child abuse and neglect and the requirements of the Reporting Law.

Definitions

Abused child means a child, less than 18 years of age, whose parent or other person legally responsible for his care:

1. 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; or
2. 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
3. Commits, or allows to be committed, a sex offense against such child, as defined in the Penal Law; allows, permits or encourages such child to engage in any act described in sections 230.00, 230.25, 230.30 and 230.32 of the Penal Law (Prostitution offenses); commits any of the acts described in section 255.25 of the Penal Law (Incest in the third degree); or allows such child to engage in acts or conduct described in article 263 of the Penal Law (Sexual performance by a child).

Maltreated child means a child, less than 18 years of age:

1. 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 or her care to exercise a minimum degree of care:
 - a. In supplying the child with adequate food, clothing, shelter or education, or medical dental, optometrical, or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - b. 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;

	SECTION: Compliance			NO: 18		
	TITLE: MANDATED REPORTING					

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 parent or other person legally responsible is voluntarily and regularly participating in a rehabilitative program, evidence that the parent or other person legally responsible has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not alone 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

- c. Who has been abandoned by his parents or other legally responsible for his care; or
- d. Who has had serious physical injury inflicted by other than accidental means

Personal legally responsible for a child includes the child's custodian, guardian, any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of such child.

Statement of Policy

Individuals required to report cases of suspected child abuse or maltreatment

The following agency staff, among others, are required to report or cause a report to be made 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 a reasonable cause to suspect that a child is an abused or neglected child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional capacity and states from personal knowledge, facts, conditions, or circumstances, which, if correct, would render the child an abused or maltreated child: among other individuals, any psychiatrist, psychologist, registered nurse, social worker, therapist, mental health counselor, social services worker, director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section 1392 of the public health law, child care worker, or any other child care or foster care worker, mental health professional or substance abuse or alcoholism counselor.

	SECTION: Compliance			NO: 18		
	TITLE: MANDATED REPORTING					

In addition to the above, social service workers are required to make a report whenever they have reasonable cause to suspect that a child has been abused or maltreated where any person (not just a parent, guardian, custodian, or personal legally responsible) comes before them in their professional or official capacity and states from personal knowledge facts, condition or circumstances which, if correct, would mean that a child has been abused or maltreated.

Social service workers include Ohel professional and paraprofessional staff that provide, among other things, foster care, adoption or preventive services, to children and/or families. Paraprofessionals are trained aides who provide support and assistance to professionals in carrying out the professional functions of the professional person.

Whenever such a person believes that a report is required to be made, as per the above, they are required to immediately call the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). The phone number is 1-800-342-3720. They shall subsequently immediately notify the Program Director of such. Reports shall include the name, title, and contact information for every staff person who is believed to have direct knowledge of the allegations in the report. The Program Director or his or her designee is responsible for all subsequent administration necessitated by the report.

In the alternative, if a staff member prefers to discuss the allegation of possible abuse or maltreatment with their supervisor or other agency staff, they may do so as well. In such an instance, the supervisor or other agency staff shall provide their comments or recommendations, to the extent the staff member is seeking such. Notwithstanding the above, each mandated reporter, in their sole professional judgment, is required to call the SCR if they believe such a call is warranted. Staff do not require prior approval or prior notification before making such a report.

When there is a concern that the health of a child is in jeopardy, staff should first call emergency assistance (911) before calling the SCR.

Collect all identifying and assessment information to prepare for making the telephone call reporting suspected abuse and maltreatment.

Have as much demographic information available as possible, including:

- The child's case number;
- Birth dates;
- Names and addresses of the child and the birth parent(s) and/or name(s) of staff or other person(s) responsible for the child's care at the time of the incident;

	SECTION: Compliance			NO: 18		
	TITLE: MANDATED REPORTING					

- Siblings and other children in the home;
- Name of the person(s) present at the time of the injury or alleged abuse or maltreatment;
- Name, title and contact information for every staff person believed to have *direct* knowledge of the allegations contained in the report. Also note which, if any, of these persons are mandated reporters.

Do not delay making the call to the SCR in order to attempt to determine a complete list of all staff members who also have *direct* information about the alleged abuse or maltreatment. This information should be conveyed in a subsequent follow-up report to SCR immediately following the initial SCR report.

- Any additional information that may be helpful, particularly the child's medical history or social conditions.

Note the nature of the injuries, and/or suspected abuse or maltreatment and any actions taken to keep the child safe. Document the suspected abuse and/or maltreatment. Be able to clearly and concisely report your suspicion and the surrounding information, which clearly supports the suspicion in concrete, behavioral terms.

When making the report, the mandated reporter must document the:

- SCR oral report number
- Date and time of call
- Name of person taking the report

If the call is accepted:

The ~~Report~~ Report of Suspected Child Abuse or Maltreatment+ (LDSS-2221-A) must be completed. Within 48 hours of making the report, submit the paper copy to the Field Office in the New York City borough or county Department of Social Services in which the subject child resides.

Staff are required to cooperate with all ACS investigations by responding to any inquiries subsequent to the making of a report.

If the call is not accepted, do the following:

Collect the following information:

- Name of person to whom you are speaking and ID number
- Date of call

	SECTION: Compliance			NO: 18		
	TITLE: MANDATED REPORTING					

- Time of call
- Reason for placing the call
- Reason for refusing to accept report
- Follow-up action taken to provide for the safety of the child

Document this information in a progress note without naming the alleged perpetrator or any other identifying information.

Non-retaliation

Consistent with agency policy, the agency does 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 abused or maltreated and that employee therefore makes a report.

Reporting of concerns

Employees who believe that their ability to discharge their obligations as to the above (explicitly or implicitly ordered or discouraged from making a report that they believe is required) are encouraged to speak to the Program Director, Department of Human Resources, Compliance Officer, or the agency's Ombudsman. Employees may also leave an anonymous message on the agency's anonymous and confidential reporting line (718-438-0941).

Staff training

All applicable current and new employees will be provided written information regarding the agency's reporting requirements, including this policy and other program-specific information.

Employees, who in the normal course of their employment travel to locations where children reside, will be provided with information regarding the recognition of the signs of an unlawful methamphetamine laboratory.

Nothing in this policy shall supersede any other licensing or regulatory requirements to report allegations of client abuse or neglect (ACS, OPWDD, OMH). Other agency and

	SECTION: Compliance		NO: 18			
	TITLE: MANDATED REPORTING					

government policies, practices and regulations need to be complied with, in addition to the requirements of this Mandated Reporting policy.