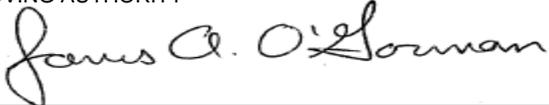


 Corrections and Community Supervision DIRECTIVE	TITLE		NO. 4029
	Reporting Suspected Child Abuse or Maltreatment		DATE 10/25/2018
SUPERSEDES	DISTRIBUTION A B	PAGES PAGE 1 OF 4	DATE LAST REVISED
REFERENCES (Include but are not limited to) Social Services Law § 413; Family Court Act §1012; ACA Expected Practice 4-JCF-3D-01; Directives #4027A, #4928A, #4944, Employee Manual Section 2.20	APPROVING AUTHORITY 		

- I. PURPOSE:** To provide direction to all New York State Department of Corrections and Community Supervision (DOCCS) Staff regarding their obligations as mandated reporters when they have reasonable cause to suspect child abuse or maltreatment of an adolescent offender under the age of 18.

NOTE: In accordance with the National Standards to Prevent, Detect, and Respond to Prison Rape under the Prison Rape Elimination Act (PREA) applicable to adolescent offender (AO) facilities, DOCCS requires all staff*, volunteers and contractors to immediately report: (1) any knowledge, suspicion, or information regarding an incident of sexual abuse or sexual harassment that occurred in a facility, whether or not the facility is part of the Agency; (2) retaliation against inmates, AOs, or staff who reported such an incident; and (3) any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation in accordance with Employees' Manual Section 2.20 and Departmental Directives #4027A "Sexual Abuse Prevention & Intervention - Inmate-on-Inmate" and #4028A "Sexual Abuse Prevention & Intervention - Staff-on-Inmate."

*All references to staff shall also include volunteers and contractors.

- II. POLICY:** In accordance with Social Services Law, Article 6, Title 6, Section 413(1)(a) and DOCCS policy, mandated reporters are required to report or cause a report to be made when, in their professional or official capacity, they have reasonable cause to suspect: (1) That an AO under the age of 18 is an abused or maltreated child, or (2) That an AO under the age of 18 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.

As outlined below, reports of suspected child abuse or maltreatment shall be made immediately by telephone to the Statewide Central Register (SCR) of Child Abuse and Maltreatment operated by the Office of Children and Family Services (OCFS) and followed by a written report within 48 hours.

III. DEFINITIONS

- A. Mandated Reporter: For the purpose of this directive, staff members who serve in the following professional or official capacities shall be considered "mandated reporters" for reporting suspected child abuse or maltreatment:

1. Health Care Professionals (e.g., Physicians, Physicians Assistants, Registered Nurses, Dentists, etc.)

2. Mental Health Care Professionals (e.g., Psychologists, Social Workers, Licensed Mental Health Counselors, Substance Abuse Counselors, etc.)
 3. Education Professionals (e.g., Teachers, School Counselors, etc.)
 4. Guidance Staff (e.g., Offender Rehabilitation Coordinators)
 5. Peace Officers (e.g., Correction Officers, Correction Sergeants, Correction Lieutenants, Correction Captains, Executive Team Members)
- B. Reasonable Cause to Suspect: Reasonable cause to suspect child abuse or maltreatment means that, based on the mandated reporter's rational observations, professional training, and experience, the parent or other person legally responsible for the child is responsible for harming the child or placing the child in imminent danger of harm. Reasonable cause to suspect child abuse or maltreatment may also be determined following an investigation of a complaint, allegation or information received from an immediate family member, relative, friend, associate, or other individual.
- C. Child Abuse: An abused child is defined as a child less than 18 years of age whose parent or other person legally responsible for the child's 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 function of any bodily organ; or
 3. Commits, or allows to be committed, sexual abuse against such child. See Family Court Act §1012(e).
- D. Child Maltreatment (includes Neglect): A maltreated child is a child under 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 the parent or other person legally responsible for the care of the child to exercise a minimum degree of care:
1. In supplying the child with adequate food, clothing, shelter, education, or medical care; or
 2. 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 corporal punishment. See Family Court Act §1012(f).
- E. Other Person Legally Responsible: Refers to a guardian, caretaker, or other person 18 years of age or older who is responsible for the care of the child. This includes all staff, volunteers, and contractors who supervise adolescent offenders under the age of 18.

IV. PROCEDURE

- A. Duty to Report Suspected Child Abuse or Maltreatment
1. All staff members, regardless of title and/or status as a mandated reporter, have a duty to report suspected child abuse or maltreatment.

2. All staff members having reasonable cause to suspect a case of child abuse or maltreatment, or who receive a report concerning the abuse or maltreatment of an AO, will immediately report the details of the case directly to the Facility Watch Commander.
 3. After notifying the Watch Commander of the case, the staff member, if considered to be a mandated reporter pursuant to Section III-A above, shall follow the oral and written reporting procedures outlined below. If the staff member is not a mandated reporter, then the Watch Commander shall follow the oral and written reporting procedures.
 4. Only one report from the Facility is required.
- B. Oral Report of Suspected Child Abuse or Maltreatment
1. Any mandated reporter in their professional or official capacity, having reasonable cause to suspect that a child before them has been subjected to child abuse or maltreatment must immediately report the information to the **New York State OCFS “Mandated Reporter Hotline” by calling (800) 635-1522** to make the initial oral report.
 2. The mandated reporter shall advise the Watch Commander of the facts and circumstances of the report, the date and time of the notification to the Mandated Reporter Hotline, the SCR “Call I.D.” assigned to the report, and, if prepared, a copy of the completed [Form #LDSS-2221A](#) “Report of Suspected Child Abuse or Maltreatment” (Section C, below). If [Form #LDSS-2221A](#) is not completed at the time of the hotline report, all other information shall still be immediately reported to the Facility Watch Commander.
- C. Written Report of Suspected Child Abuse or Maltreatment
1. The mandated reporter must complete and submit a written report to the local Department of Social Services’ Child Protective Services (CPS) Unit on [Form #LDSS-2221A](#) within 48 hours after the initial oral report. This form may be downloaded from the OCFS website: <https://ocfs.ny.gov/main/Forms/cps/LDSS-2221A.dot>
 2. The procedure for preparing and submitting the written report shall be as follows:
 - a. Before the end of tour of duty, the mandated reporter must draft and submit a written report on [Form #LDSS-2221A](#) and submit the report to the Facility Superintendent.
 - b. The mandated reporter will ensure that the written report includes the following information as set forth in [Form #LDSS-2221A](#):
 - (1) Full name(s) of child or children;
 - (2) Sex;
 - (3) Age or DOB;
 - (4) Race;
 - (5) Ethnicity;
 - (6) Relation, role, and language codes as specified on [Form #LDSS-2221A](#);

- (7) Basis of suspicions (observations, allegations, etc.);
 - (8) Nature and extent of injuries or maltreatment;
 - (9) Any additional information that the mandated reporter believes might be helpful in establishing the cause of the abuse or maltreatment and the identity of the person(s) responsible for harming or putting the child in danger;
 - (10) Source(s) of report;
 - (11) Relationship (physician, law enforcement, institutional staff, etc.); and
 - (12) Actions taken or to be taken by mandated reporter (completed by physicians only).
- c. Photographs of visible trauma on the child and, if medically indicated, radiological examinations (x-rays) shall be sent to CPS with the written report, or as soon thereafter as possible. Photographs shall be taken using the procedures set forth in Departmental Directive #4944 "Use of Physical Force."
 - d. The Superintendent shall ensure the completed [Form #LDSS-2221A](#), as well as any photographs and/or x-rays, are forwarded to the local Department of Social Services' CPS Unit for the county in which the AO Facility is located within 48 hours after the initial oral report. A list of local mailing addresses can be found at: <https://ocfs.ny.gov/main/localdss.asp>.
 - e. The Superintendent shall also provide a copy of the completed [Form #LDSS-2221A](#), as well as any photographs and/or x-rays, to the Office of Special Investigations Intake Unit.
 - f. The Superintendent shall thereafter be responsible for all subsequent administration necessitated by the report.
- V. CONFIDENTIALITY:** Apart from reporting to designated supervisors or officials and designated State or local services agencies, staff shall be prohibited from revealing or divulging any information, documentation, or findings related to a child or sexual abuse report other than to the extent necessary, as specified in agency policy, to make treatment, investigation, and other security and management decisions.
- VI. NO RETALIATION:** No retaliatory personnel or other action shall be taken against any staff member who reports suspected child abuse or maltreatment or who believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child.
- VII. TRAINING:** The New York State Education Department Office of the Professions oversees the training requirements for mandated reporters. Some mandated reporters – including teachers, medical professionals and social workers – are required to receive training as part of their licensing or certification requirement and these employees are expected to successfully complete such training. DOCCS will also provide appropriate in-service training to staff assigned to AO Facilities regarding the reporting procedures outlined in this directive and the law's requirements.

An overview regarding the responsibilities of mandated reporters can also be found in the "Summary Guide for Mandated Reporters in New York State" which is published by OCFS and is available at: <https://ocfs.ny.gov/main/publications/Pub1159.pdf>