

New York Mandatory Reporting Requirements Regarding Children

<p><i>Who Must Report?</i></p>	<p>Any of the following, when acting <i>in their professional or official capacities</i>:</p> <ul style="list-style-type: none"> <li>• Physicians;</li> <li>• Registered physician assistants;</li> <li>• Surgeons;</li> <li>• Medical examiners;</li> <li>• Coroners;</li> <li>• Dentists;</li> <li>• Dental hygienists;</li> <li>• Osteopaths;</li> <li>• Optometrists;</li> <li>• Chiropractors;</li> <li>• Podiatrists;</li> <li>• Residents;</li> <li>• Interns;</li> <li>• Psychologists;</li> <li>• Registered nurses;</li> <li>• Social workers;</li> <li>• Emergency medical technicians;</li> <li>• Licensed creative arts therapists;</li> <li>• Licensed marriage and family therapists;</li> <li>• Licensed mental health counselors;</li> <li>• Licensed psychoanalysts;</li> <li>• Hospital personnel engaged in the admission, examination, care, or treatment of persons;</li> <li>• Christian Science practitioners;</li> <li>• School officials (which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate);</li> <li>• Social services workers;</li> <li>• Day care center workers;</li> <li>• School-age child care workers;</li> <li>• Providers of family or group family day care;</li> <li>• Employees or volunteers in a residential care facility;</li> <li>• Child care or foster care workers;</li> <li>• Mental health professionals;</li> </ul>
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	<ul style="list-style-type: none"> <li>• Substance abuse counselors;</li> <li>• Alcoholism counselors;</li> <li>• All persons credentialed by the office of alcoholism and substance abuse services;</li> <li>• Peace officers;</li> <li>• Police officers;</li> <li>• District attorneys or assistant district attorneys;</li> <li>• Investigators employed in the office of a district attorney; and</li> <li>• Other law enforcement officials.</li> </ul>
<i>Standard of Knowledge</i>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• 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.</li> </ul>
<i>Definition of Applicable Victim</i>	<p>A person under the age of 18 who is abused or maltreated.</p> <p>“Abused child” means a child less than eighteen years of age whose parent or other person legally responsible for his care inflicts or allows to be inflicted serious bodily harm, causes a substantial risk of serious bodily harm, or sexually abuses a child.</p> <p>A “maltreated child” includes a child who has been neglected as defined by family court act or has suffered serious physical injury by other than accidental means. [Special definitions apply to abused or neglected children in residential care (see N.Y. Soc. Serv. Law § 412-a)]</p>
<i>Reports Made To</i>	<ul style="list-style-type: none"> <li>• Oral reports must be made to the statewide central register of child abuse and maltreatment hotline (1-800-342-3720). The</li> </ul>

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	<p>reporter should request the address for submitting the written report when making the oral report.</p> <ul style="list-style-type: none"> <li>• Written reports must be made to the local child protective service (except that written reports involving children in residential care or children being cared for in a home operated or supervised by an authorized agency, office of children and family services, or an office of the department of mental hygiene, 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.</li> </ul>
<i>Contents of Report</i>	<p>Written reports shall include:</p> <ul style="list-style-type: none"> <li>• The names and addresses of the child and his or her parents or other person responsible for his or her care (if known);</li> <li>• The name and address of the residential care facility or program in which the child resides or is receiving care (if any);</li> <li>• The child's age, sex, and race;</li> <li>• 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);</li> <li>• The name of the person or persons alleged to be responsible for causing the injury, abuse, or maltreatment (if known);</li> <li>• Family composition (where appropriate);</li> <li>• The source of the report;</li> <li>• The identity of the person making the report and where he or she can be reached;</li> <li>• The actions taken by the reporting source; and</li> <li>• Any other information required by regulation or which the person making the report believes might be helpful.</li> </ul>

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<i>Timing/Other Procedures</i>	Initial reports must be made immediately by telephone or facsimile using a form supplied by the Office of Children and Family Services ( <a href="http://www.ocfs.state.ny.us/main/">http://www.ocfs.state.ny.us/main/</a> ). A copy of the form is attached to this summary. A written report must follow the initial report within 48 hours.
<i>Other</i>	<ul style="list-style-type: none"> <li>• In addition to the above report, "[a]ny person or official required to report cases of suspected child abuse or maltreatment, including workers of the local child protective service, as well as an employee of or official of a state agency responsible for the investigation of a report of abuse or maltreatment of a child in residential care, 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."</li> <li>• Only one report must be made from an institution or organization.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<i>Source/Applicable Statute(s)</i>	N.Y. Soc. Serv. Law §§ 412, 412-a, 413, 415, 418, 420; N.Y. Family Court Law § 1012 (2009).

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