

The City University of New York

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**Personnel Advisory
Memorandum #7**

February 16, 1994

To: College Presidents
From: Vice Chancellor Robert E. Diaz 
Re: Reporting Suspected Child Abuse and Maltreatment

On occasion, college officials have consulted my office in connection with a suspected case of child abuse. At times a suspected perpetrator of abuse is the person in parental relation, at other times it is a college employee. The purpose of this memorandum is to highlight the obligations of certain individuals to report incidents of abuse and to set forth the reporting procedure mandated by law.

In general, any person who has reasonable cause to believe that a child less than eighteen years of age has been abused neglected or maltreated may report such abuse or neglect or maltreatment to a state-wide central registry of child abuse and maltreatment. Moreover, Social Services Law Section 413 requires that certain individuals must report incidents of child abuse and neglect that they learn of in the course of their employment. These individuals who must report such incidents include: physicians, day care center personnel, school officials, peace officers* and psychologists.

*A peace officer acting pursuant to his special duties is required by Social Services Law Section 416 to take all appropriate measures to protect a child's life and health including, when appropriate, taking or keeping a child in protective custody.

The New York State Attorney General has opined that the intent of the reporting requirement of Section 413 of the Social Services Law is to "broadly include persons whose jobs place them in a position to detect incidents of child abuse." Since several constituent colleges provide day care facilities, and have collaborative programs with the New York City Public School System, it is appropriate for college staff persons who come in contact with children in the course of their employment to be aware of their responsibilities under the law. The following are definitions of what constitutes abuse, neglect and maltreatment under relevant statutes.

Definitions:

Abused child means a child less than eighteen years of age whose parent or other person legally responsible for the child's care:

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 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 a sex offense against such child or allows, permits or encourages such child to engage in acts defined as sex offenses.

Neglected child means a child less than eighteen 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 to exercise a minimum degree of care:

in supplying the child with adequate food, clothing, shelter, or education or medical, dental, optometrical or surgical care, although financially able to do so or offered financial or other 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/she loses control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or a child less than eighteen years of age who has been abandoned by his parents or other person legally responsible for his care.

Maltreated child means a child under eighteen years of age who is neglected as defined above, or who has had serious physical injury inflicted upon him/her by other than accidental means.

Reporting Procedure for Cases Involving Parents or Persons In Parental Relation

Staff members who have reasonable cause to suspect that a child is abused, maltreated, or neglected must notify their supervisor immediately. The supervisor has the primary responsibility for making an oral report immediately to the New York State Central Registry (SCR) for Child Abuse and Maltreatment in Albany by telephoning the toll-free number: 1-800-635-1522

If the supervisor fails to report a case, the staff member, as a mandated reporter, must call in the report to the SCR. Reports made to SCR are confidential. However, the individual making the report must identify him/herself to the SCR. Neither the name of the person making the report nor the school affiliation can be released to the parent or person in parental relationship. The identity of the reporting person may only be given to Special Services for Children, a court, grand jury, district attorney, police or other agencies allowed access by the Social Services Law. The SCR may refer your report to the New York City Police Department, when deemed necessary.

Upon completing the oral report, the staff member or his/her supervisor should ask the SCR staff member for the assignee State Registry Number. This number should be written in the box marked "State Registry No." when the staff member is completing the written report (required by law) on form DSS 2221A (see copy attached).

The written report must be prepared within 48 hours after the phone call to the SCR. The report must be mailed to the Special Services for Children field office in the borough where the child's custodial parent/guardian lives.

Addresses of the respective borough field offices of Special Services for Children (for mailing of FORMS DSS 2221A) are:

Local Registry
Manhattan Field Office
770 Broadway
New York, NY 10003
(212) 266-2679

Local Registry
Brooklyn Field Office
1274 Bedford Avenue
Brooklyn, NY 11216
(718) 826-5545,46

Local Registry
Bronx Field Office
192 East 151 Street
Bronx, NY 10451
(718) 579-9498,9

Local Registry
Queens Field Office
165-15 Archer Avenue
Jamaica, NY 11433
(718) 481-5805

Local Registry
Staten Island Field Office
350 St. Marks Place
Staten Island, NY 10301
(718) 720-2745

Penalties for Failure to Report Abuse and Maltreatment

Pursuant to the Social Services Law, the willful and/or knowing failure by a mandated reporter to report child abuse and maltreatment may result in criminal action or civil liability if the employee had reasonable cause to suspect it. It may also result in disciplinary action against the employee.

Immunity from Liability and Legal Assistance

Any school employee participating in good faith in the making of a report, the taking of photographs, or the removal or keeping of a child, pursuant to the Social Services Law, will have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions. The good faith of persons required to report cases of child abuse or maltreatment is presumed, provided such persons are acting in the discharge of their duties, within the scope of their employment, and that liability does not result from the willful misconduct or gross negligence of such persons. Legal representation will be provided to good faith mandated reporters who are sued for reporting a suspected case of child abuse and neglect.

In the event a staff member receives a subpoena regarding an abuse/neglect case, he/she may call my office for further information or assistance.

Reporting Procedures for Cases Involving Employees

Where the person suspected of abusing a child is not the parent or person in parental relation but an employee of the college, a report to the SCR is not required. Such conduct must, however, be brought to the attention of the appropriate supervisory personnel and to the police authorities. In these instances, the University Director of Security must be notified of the suspected case of child abuse to enable to University to coordinate its investigation with the local police precinct and to assist the police, as appropriate, as it conducts its investigation.

Encl.

c: Chancellor's Cabinet
University Director of Security
Chief Academic Affairs Officers
Chief Administrative Affairs Officers
Chief Student Affairs Officers
Labor Designees
Legal Affairs Designees

H:PAM#7.ET/je

REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT

LOCAL AGENCY DATE STATE REGISTRY NO LOCAL REGISTRY NO
 TIME LOCAL CASE NO LOCAL AGENCY

DEPARTMENT OF SOCIAL SERVICES

Subjects of Report

Children in household adults responsible for household and alleged perpetrators.

| No. | Last Name | First Name | M.I. | Aliases | Sex (M, F, Unk.) | Birthdate or Age (Mo. Day Yr.) | Ethnic Code (" Over) | Relat. Code (" Over) |
|-----|-----------|------------|------|---------|------------------|--------------------------------|----------------------|----------------------|
| 1 | | | | | | | | |
| 2 | | | | | | | | |
| 3 | | | | | | | | |
| 4 | | | | | | | | |
| 5 | | | | | | | | |
| 6 | | | | | | | | |
| 7 | | | | | | | | |

LIST ADDRESSES AND TELEPHONE NUMBERS:
 HOUSEHOLD
 OTHERS
 (Give Line Nos.)

MORE

TELEPHONE NO.
 TELEPHONE NO.
 TELEPHONE NO.

Beats of Suspicion

Alleged consequences or evidence of abuse or maltreatment - Give child(ren)'s line number(s). If all children, write "All".

- | | | |
|--------------------------------------|---------------------------------|---------------------------------|
| DOA/Fatality | Child's Drug/Alcohol Use | Educational Neglect |
| Fractures | Drug Withdrawal | Emotional Neglect |
| Subdural Hematoma, Internal Injuries | Lack of Medical Care | Lack of Food, Clothing, Shelter |
| Lacerations, Bruises, Welts | Malnutrition, Failure to Thrive | Lack of Supervision |
| Burns, Scalding | Sexual Abuse | Abandonment |
| Excessive Corporal Punishment | Other, specify: | |

State reasons for suspicion. Include the nature and extent of each child's injuries, abuse or maltreatment, any evidence of prior injuries, abuse or maltreatment to the child or his siblings and any evidence or suspicions of "Parental" behavior contributing to the problem.

(If known, give time and date of alleged incident):
 Mo. Day Yr. Time PM AM

Sources of This Report

| PERSON MAKING THIS REPORT | | SOURCE OF THIS REPORT IF DIFFERENT | |
|---------------------------|---------------|------------------------------------|---------------|
| NAME | TELEPHONE NO. | NAME | TELEPHONE NO. |
| ADDRESS | | ADDRESS | |
| AGENCY/INSTITUTION | | AGENCY/INSTITUTION | |

Relationship (✓ for Reporter X for Source)

- | | | |
|-------------------|---------------|----------------|
| Med. Exam/Coroner | Physician | Hospital Staff |
| Social Services | Public Health | Mental Health |

- | | | |
|-----------------|-----------------|----------|
| Law Enforcement | Neighbor | Relative |
| School Staff | Other (specify) | |

Signature of Physician Who Examined/Treated Child Telephone No.

For Use By Physicians

Medical Diagnosis on Child

Only Hospitalization Required None

Under One Week 2 One - Two Weeks 3 Over Two Weeks 4

4 Removal/Keeping 6 Not. Med. Exam./Coroner
 5 Returned Home 7 Notified D.A.

Title

Signature of Person Making This Report

Date

DSS-221-A (REV. 8/87) (REVERSE)

IDENTIFICATION CODES

SUSPICION AND RELATIONSHIP CODES

CHILDREN (Suspicions)

(AB) Abuse

(MA) Maltreatment

(NO) None

(UN) Unknown

ADULTS (Relationships)

(P) Parents

(PS) Parental Substitute

(FP) Foster Parent

(GP) Grand Parent

(R) Relative

(N) No Relationship

(UN) Unknown

Abstract Sections from Article 6, Title 8, Social Services Law

Section 412. Definitions.

1. Definition of Child Abuse. (see N.Y.S. Family Court Act Section 1012(e))

An "abused child" is a child less than eighteen years of age whose parent or other person legally responsible for his care:

- (1) inflicts or allows to be inflicted upon the child serious physical injury, or
- (2) creates or allows to be created a substantial risk of physical injury, or
- (3) commits or allows to be committed against the child a sexual offense as defined in the penal law.

2. Definition of Child Maltreatment. (see N.Y.S. Family Court Act, Section 1012(f))

A "maltreated child" is a child under eighteen years of age who has had serious physical injury inflicted upon him by other accidental means.

A "maltreated child" is also a child under eighteen years of age whose physical, mental or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his exercise of minimum degree of care:

- (1) in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
- (2) in providing the child with proper supervision or guardianship; or
- (3) by unreasonable inflicting, or allowing to be inflicted, harm or a substantial risk thereof, including the infliction of excessive corporal punishment; or
- (4) by using a drug or drugs; or
- (5) by using alcoholic beverages to the extent that he loses self-control of his actions; or
- (6) by any other acts of a similarly serious nature requiring the aid of the Family Court.

Section 415. Reporting Procedure. Reports of suspected child abuse or maltreatment shall be made immediately by telephone and in writing within 48 hours after such oral report...written reports shall be made to the appropriate local child protective agency on this form (Report of Suspected Child Abuse and Maltreatment, DSS-221-A).

Section 419. Immunity from Liability. Any person, official or institution participating in good faith in the making of a report, the taking of photographs, or the removal or keeping of a child pursuant to this title shall have immunity from any liability, civil or criminal, that might otherwise result by reason of such actions. For the purpose of any proceeding, civil or criminal, the liability of any person required to report cases of child abuse or maltreatment shall be presumed.

Section 420. Penalties for Failure to Report.

1. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment who fails to do so shall be guilty of a class A misdemeanor.
2. 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 civilly liable for the damages proximately caused by such failure.