
 <p><b>Corrections and Community Supervision</b></p> <p><b>DIRECTIVE</b></p>	<p>TITLE</p> <p><b>Reporting Suspected Child Abuse - Community Supervision</b></p>		<p>NO. 9395</p>
			<p>DATE 09/12/2018</p>
<p>SUPERSEDES</p> <p>DIR# 9395 Dtd. 09/14/17</p>	<p>DISTRIBUTION</p> <p>A B</p>	<p>PAGES</p> <p>PAGE 1 OF 9</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>NYS Social Services Law (Article 6, Title 6, Section 413) Social Services Law SO §422(k); New York Family Court Act, Sections 1022, 1023, 1024, 1026; New York Social Services Law, Section 417</p>		<p>APPROVING AUTHORITY</p> 	

- I. PURPOSE:** To provide direction to Peace Officers, assigned to Community Supervision, regarding their obligations as mandated reporters when there is reasonable cause to suspect child abuse or maltreatment of a child. Peace Officers assigned to the following titles are considered to be mandated reporters while acting in their official or professional capacity:
- A. Institutional Safety Officer
  - B. Parole Officer Trainee
  - C. Parole Officer
  - D. Senior Parole Officer
  - E. Bureau Chief
  - F. Assistant Regional Director
  - G. Regional Director
  - H. Director of Internal Operations
  - I. Assistant Commissioner
  - J. Deputy Commissioner
  - K. Parole Revocation Specialist (as authorized by the Deputy Commissioner)
  - L. Deputy Chief for the Parole Violation Unit (as authorized by the Deputy Commissioner)
  - M. Chief of the Parole Violation Unit (as authorized by the Deputy Commissioner)
- II. POLICY:** In accordance with New York State Social Services Law, Article 6, Title 6, Section 413 and Department of Corrections and Community Supervision (DOCCS) policy, all Peace Officers assigned to Community Supervision shall be considered “mandated reporters” for purposes of reporting suspected child abuse or maltreatment. Mandated reporters in New York State are required to report suspected child abuse or maltreatment when there is reasonable cause to suspect child abuse or maltreatment in a situation where a child, parent, or other person legally responsible for the child, is before the mandated reporter (DOCCS Peace Officer) when the DOCCS mandated reporter is acting in his or her official or professional capacity. Reports of suspected child abuse or maltreatment shall be made immediately by telephone to the New York State Office of Children and Family Services (OCFS) “Mandated Reporter Hotline” at (800) 635-1522 and to the Officer’s supervisor. The written report must be submitted to the County Department of Social Services (DSS) where the abused and/or maltreated child resides. The written report must be filed within forty-eight (48) hours of making the oral report.

### III. DEFINITIONS:

- A. Mandated Reporter: For the purposes of this Directive, all Peace Officers assigned to Community Supervision are considered mandated reporters for the purposes of reporting suspected child abuse or maltreatment. Under New York State Social Services Law, there are a number of professionals from various fields including law enforcement, education, social services, health care, and child care who are also considered to be mandated reporters.
- B. Reasonable Cause to Suspect: Reasonable cause to suspect child abuse or maltreatment means that, based on the professional's (Officer'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 a child less than eighteen (18) years of age and whose parent or other person legally responsible for the care of the child:
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 sexual abuse against the child or allows sexual abuse to be committed.
- D. Child Maltreatment (includes Neglect): A maltreated child is a child under eighteen (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, 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 unreasonably inflicting, or allowing to be inflicted, harm or substantial risk thereof, including the infliction of excessive corporal punishment; or
  4. by misusing a drug or drugs; or
  5. by misusing alcoholic beverages to the extent that the parent or other person legally responsible for the child loses self-control of their actions; or
  6. by any other acts of a similarly serious nature requiring the aid of Family Court; or
  7. by abandoning the child.
- E. Other Person Legally Responsible: Refers to a guardian, caretaker, or other person eighteen (18) years of age or older who is responsible for the care of the child.

- F. Authorized Recipient - Social Services Law SOS §422(k): The Department of Corrections and Community Supervision (DOCCS) is listed as a duly authorized investigative agency and/or organization under SSL SOS §422(k) and thus information obtained, written reports prepared, and photographs taken and in the possession of the local departments may be made available to DOCCS for purposes of conducting investigations involving individuals under supervision in the community.

#### IV. PROCEDURE:

##### A. ORAL REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT

1. Community Supervision Peace Officers (applicable titles listed in Section I)
  - a. Officers having a reasonable suspicion of a case of child abuse or maltreatment will immediately report the details of the case to their supervisor. Peace Officers assigned to Community Supervision titles are mandated child abuse reporters and Officers must immediately telephone the New York State Office of Children and Family Services (OCFS) "Mandated Reporter Hotline" at (800) 635-1522 to make the initial oral report.
  - b. The Officer shall make the oral report even if he or she believes that the matter has been reported by another mandated reporter or other individual.
  - c. If an Officer receives a complaint or information regarding a parolee from an immediate family member, relative, friend, associate, or other individual alleging child abuse or maltreatment on the part of the parolee, the Officer will immediately initiate an investigation into the allegation or complaint. If the Officer believes there is reasonable suspicion of a case of child abuse or maltreatment, the Officer will immediately report the information to the Child Abuse and Maltreatment Register (Section IV-A-1-a, above) in order to complete the initial oral report. If the Officer believes the child is in imminent danger, the Officer will immediately contact the law enforcement agency responsible for the particular jurisdiction.
  - d. The Officer will inform the person making the complaint of the action taken by the Officer. Where appropriate, the person making the complaint will be informed of the findings of the Officer.
  - e. Under no circumstances is the Officer to reveal or divulge any information, documentation, or findings of an investigation conducted by a law enforcement agency or the New York State Child Abuse and Maltreatment Register.
  - f. If an active investigation is being conducted by a law enforcement agency, the Community Supervision Officer will direct the person responsible for making the complaint to the law enforcement official responsible for conducting the investigation.
2. Supervisor: The supervisor will follow up with the Officer to ensure that the mandated oral report to the Child Abuse and Maltreatment Register has been made.

**NOTE:** The telephone number listed in Section IV-A-1-a, of this directive, is the contact number to be utilized by mandated reporters. The Child Abuse and Maltreatment Register will, upon receiving telephone notification, contact a local Child Protective Service, which will conduct the necessary investigation.

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**B. WRITTEN REPORT OF SUSPECTED CHILD ABUSE OR MALTREATMENT****1. Community Supervision Peace Officer**

- a. Within 48 hours of making the initial oral report, the Officer must submit a written report to the local department of social services' Child Protective Services (CPS). The Officer will complete the NYS Office of Children and Family Services form LDSS-2221A - "Report of Suspected Child Abuse or Maltreatment" (Attachment A – Sample for illustrative purpose).
- b. Form #LDSS-2221A (originally signed) is to be submitted to the County Department of Social Services (DSS) office where the abused and/or maltreated child resides. The social services office location may be found by accessing the following website:

<http://www.ocfs.state.ny.us/main/localdss.asp>.

- c. The Officer shall prepare and submit the written report (LDSS-2221A) even if he or she believes a report has already been filed by another mandated reporter or other individual.
- d. The Officer will ensure that the report (LDSS-2221A) includes the following:
  - (1) Full name(s) of child or children,
  - (2) Sex,
  - (3) Age or DOB,
  - (4) Race,
  - (5) Ethnicity,
  - (6) Relation, role, and language codes,
  - (7) Address and telephone numbers,
  - (8) Basis of suspicions (observations, alleged suspicions, etc.),
  - (9) Nature and extent of injuries and maltreatment,
  - (10) Request finding of investigation,
  - (11) Additional sheet for description of incident,
  - (12) Any additional information that the Officer 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,
  - (13) Source(s) of report,
  - (14) Relationship (Peace Officer as a mandated reporter), and
  - (15) Actions taken or to be taken by mandated reporter.
- e. The Officer will maintain a copy of Form #LDSS-2221A in the parolee's case folder.
- f. The LDSS-2221A report may be obtained by downloading the forms from the New York State Office of Children and Family Services website:

<http://www.ocfs.state.ny.us/main/forms/cps/>

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2. Supervisor

- a. The supervisor will follow up with the Officer to ensure that the required written report (LDSS-2221A) has been completed and submitted as required.

C. DEATH OF A CHILD

1. Community Supervision Peace Officer

- a. Officers who have reasonable cause to suspect that a child has died as a result of abuse or maltreatment must immediately report the information to the appropriate law enforcement agency responsible for the jurisdiction.

D. DOCUMENTATION

1. Community Supervision Peace Officer

- a. Officers will provide information regarding a parolee under supervision to Child Protective Services (CPS) upon a determination by the Assistant Regional Director and Bureau Chief that such information is relevant to an investigation of child abuse or maltreatment as conducted by CPS.
- b. Community Supervision Peace Officers responsible for conducting investigations involving parolees are considered authorized recipients of child protective confidential information and may request such information from CPS. In requesting this information, the Officer must certify that the confidential information is required in order to conduct an investigation and there is reasonable cause to believe that the subject of the investigation is a parolee under the jurisdiction of DOCCS.

**NOTE:** Under the provisions of the Social Services Law, any person or official required to report may take or cause to be taken, at public expense, color photographs of the areas of trauma visible on a child who is the subject of a report and, if medically indicated may cause x-rays to be taken of the child. Any photographs or x-rays taken must be sent to the local Child Protective Services (CPS) at the time the LDSS-2221A is sent or as soon thereafter as possible.

**V. PROTECTIVE CUSTODY:** A child may be placed in protective custody without a court order and without the consent of the parent or other person legally responsible regardless of whether the parent or other person legally responsible for the child's care is absent only if:

- A. The child is in such circumstance or condition that continuing at home or in the care and custody of the parent or other person legally responsible for the child's care presents an imminent danger to the child's life or health; and
- B. There is not enough time to file a case in Family Court.
- C. Certain persons are allowed to take children into protective custody. These include: Peace Officers, law enforcement officials, agents of duly incorporated Societies for the Prevention of Cruelty to Children, designated employees of city or county department of social services, and physicians.
- D. If an authorized person removes or keeps custody of a child he or she must:
1. Bring the child immediately to a place approved for this purpose by the local social services department, unless the person is a physician treating the child and the child is or will be presently admitted to a hospital; and

2. At the same time as the removal, give written notice to the parent or other person legally responsible for the child's care of the right to apply to the Family Court for the return of the child and of the right to be represented by counsel in abuse or neglect proceedings as well as the procedures for obtaining counsel if indigent; and include in the written notice his or her name, title, organization as well as the address and telephone number of the organization, the name and telephone number of the child care agency to which the child will be taken and, if available, the telephone number of the person to be contacted for visits with the child; and
  3. Inform the parent or other person legally responsible for the child's care in writing of the intent of a duly authorized agency, a Peace Officer, Police Officer, or authorized agent to apply for an order of temporary removal or a temporary order of protection. Included in the written notice must be the date and the time that the application will be made, the address of the court where the application will be made, the right of the parent or other person legally responsible for the child's care to be present at the application and at any hearing held regarding the order as well as the right to be represented by counsel and of the procedures for obtaining counsel, if indigent; and
  4. Inform the Family Court and make a report pursuant to the Child Protective Services Act as soon as possible.
- E. Where a physician keeps a child in custody in the capacity as a member of the staff of a hospital or similar institution, pending action by the local department of social services or appropriate authorities, he or she is required to notify the person in charge of the institution, or designated agent, who then becomes responsible for further care of the child.

A physician has the right to keep a child in custody until the custody of the child has been transferred to the appropriate police authorities or to the social services official of the city or county in which the physician practices but no longer than until the next regular week day session of the appropriate Family Court. If a social services official receives custody of the child, he or she is required to promptly inform the parent or other person responsible for the child's care and the Family Court of the action, and at the next regular weekday session of the Family Court commence a child protective proceeding, or return the child. If the child protective service takes a child into custody and the parent is not present, the service must immediately notify the closest local police station.

**NOTE:** Section V, Protective Custody Statutory References - New York Family Court Act, Sections 1022, 1023, 1024, 1026; New York Social Services Law, Section 417.

LDSS-2221A (Rev. 09/2016) FRONT

NEW YORK STATE  
OFFICE OF CHILDREN AND FAMILY SERVICES  
**REPORT OF SUSPECTED  
CHILD ABUSE OR MALTREATMENT**

REPORT DATE	CASE ID	CALL ID
TIME <input type="checkbox"/> AM : <input type="checkbox"/> PM	LOCAL CASE #	LOCAL DIST./AGENCY

SUBJECTS OF REPORT										
Line #	Last name	First name	Aliases	Sex (m, f, unk)	Birthdate or Age mo/day/yr	Race code	Ethnicity (Ck only if hispanic/latino)	Relation code	Role code	Lang. code
1.							<input type="checkbox"/>			
2.							<input type="checkbox"/>			
3.							<input type="checkbox"/>			
4.							<input type="checkbox"/>			
5.							<input type="checkbox"/>			
6.							<input type="checkbox"/>			
7.							<input type="checkbox"/>			

☐ MORE

List addresses and telephone numbers (using line numbers from above)	(Area code) Telephone No.

**BASIS OF SUSPICIONS**

Alleged suspicions of abuse or maltreatment. Give child(ren)'s line number(s). If all children, write "ALL".

<input type="checkbox"/> DOA/fatality	<input type="checkbox"/> Poisoning/noxious substances	<input type="checkbox"/> Swelling/dislocation/sprains
<input type="checkbox"/> Fractures	<input type="checkbox"/> Choking/twisting/shaking	<input type="checkbox"/> Educational neglect
<input type="checkbox"/> Internal injuries (e.g., subdural hematoma)	<input type="checkbox"/> Lack of medical care	<input type="checkbox"/> Emotional neglect
<input type="checkbox"/> Lacerations/bruises/welts	<input type="checkbox"/> Malnutrition/failure to thrive	<input type="checkbox"/> Inadequate food/clothing/shelter
<input type="checkbox"/> Burns/scalding	<input type="checkbox"/> Sexual abuse	<input type="checkbox"/> Lack of supervision
<input type="checkbox"/> Excessive corporal punishment	<input type="checkbox"/> Inadequate guardianship	<input type="checkbox"/> Abandonment
<input type="checkbox"/> Child's drug/alcohol use	<input type="checkbox"/> Other (specify) _____	<input type="checkbox"/> Parent's drug/alcohol misuse

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

(If known, give time/date of alleged incident)

MO  
DAY  
YRTime : ☐ AM ☐ PM☐ Additional sheet attached with more explanation. ☐ The Mandated Reporter Requests Finding of Investigation ☐ YES ☐ NO

CONFIDENTIAL		SOURCE(S) OF REPORT		CONFIDENTIAL	
NAME	(Area Code) TELEPHONE	NAME	(Area Code) TELEPHONE		
ADDRESS		ADDRESS			
AGENCY/INSTITUTION		AGENCY/INSTITUTION			

**RELATIONSHIP**

☐ Med. exam/coroner ☐ Physician ☐ Hosp. staff ☐ Law enforcement ☐ Neighbor ☐ Relative ☐ Instit. staff  
☐ Social services ☐ Public health ☐ Mental health ☐ School staff ☐ Other (specify) \_\_\_\_\_

For use by Physicians only	MEDICAL DIAGNOSIS ON CHILD	SIGNATURE OF PHYSICIAN WHO EXAMINED/TREATED CHILD	(AREA CODE) TELEPHONE NO.
	X		
Hospitalization required: <input type="checkbox"/> None <input type="checkbox"/> Under 1 week <input type="checkbox"/> 1-2 weeks <input type="checkbox"/> Over 2 weeks			
Actions taken or About to be taken: <input type="checkbox"/> Medical exam <input type="checkbox"/> X-ray <input type="checkbox"/> Removal/keeping <input type="checkbox"/> Notify medical examiner/coroner <input type="checkbox"/> Photographs <input type="checkbox"/> Hospitalization <input type="checkbox"/> Returning home <input type="checkbox"/> Notified DA			
SIGNATURE OF PERSON MAKING THIS REPORT:		TITLE	DATE SUBMITTED mo. day yr. / /
X			

LDSS-2221A (Rev. 09/2016) REVERSE

TO ACCESS A COPY OF THE LDSS-2221A FORM: Via Internet: [http://ocfs.ny.gov/main/documents/forms\\_keyword.asp](http://ocfs.ny.gov/main/documents/forms_keyword.asp) OR

**TO ORDER A SUPPLY OF FORMS ACCESS FORM (OCFS-4627) Request for Forms and Publications**, from the site above, fill it out and send to: THE OFFICE OF CHILDREN AND FAMILY SERVICES, FORMS AND PUBLICATIONS UNIT, 52 WASHINGTON ST. ROOM 134 NORTH, RENSSLAER, NY 12144-2834. If you have difficulty accessing this form from either site, you can call the Forms Order Line at 518-473-0971. Leave a detailed message including your name, address, city, state, the form number you need, the quantity and a phone number in case we need to contact you.

## NEW YORK STATE OFFICE OF CHILDREN AND FAMILY SERVICES

RACE CODE	ETHNICITY CODE	RELATION CODES FAMILIAL REPORTS <i>(Choose One)</i>		ROLE CODE <i>(Choose One)</i>	LANGUAGE CODE <i>(Choose One)</i>	
AA: Black or African-American AL: Alaskan Native AS: Asian NA: Native American PI: Native Hawaiian/Pacific Islander WH: White XX: Other UNK: Unknown	<i>(Check <b>Only if</b> Hispanic/ Latino)</i>	AU: Aunt/Uncle CH: Child GP: Grandparent FM: Other family member FP: Foster parent DC: Daycare provider	XX: Other PA: Parent PS: Parent substitute UH: Unrelated home member UK: Unknown	AB: Abused child MA: Maltreated child AS: Alleged subject (perpetrator) NO: No role UK: Unknown	CH: Chinese CR: Creole EN: English FR: French GR: German HI: Hindi HW: Hebrew IT: Italian JP: Japanese	KR: Korean MU: Multiple PL: Polish RS: Russian SI: Sign SP: Spanish VT: Vietnamese XX: Other
IAB REPORTS ONLY						
AR: Administrator CW: Child care worker DO: Director/operator		IN: Instit. non-prof IP: Instit. pers/vol. PI: Psychiatric staff				

**Abstract of Sections from Article 6, Title 6, Social Services Law****Section 412. Definitions**

- Definition of Child Abuse.** (see also 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:
  - inflicts or allows to be inflicted upon the child serious physical injury, or
  - creates or allows to be created a substantial risk of physical injury, or
  - commits sexual abuse against the child or allows sexual abuse to be committed.
- Definition of Child Maltreatment.** (see also N.Y.S. Family Court Act, Section 1012(f))  
A "maltreated child" is a child under 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 his parent or other person legally responsible for his care to exercise a minimum degree of care:
  - 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
  - in providing the child with proper supervision or guardianship; or
  - 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 Family Court; or
  - by abandoning the child.

**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.

**Submit the written paper copy of the LDSS-2221A form originally signed to:** the Local County Department of Social Services (LDSS) where the abused/maltreated child resides.

**To locate your Local Department of Social Services, visit this site** <http://www.ocfs.state.ny.us/main/localdss.asp>.

**Residential institutional abuse reports:** Call 1-855-373-2122 or go online to: <http://www.justicecenter.ny.gov/>.

**NYS CHILD ABUSE AND MALTREATMENT REGISTER: 1-800-635-1522 (FOR MANDATED REPORTERS ONLY)  
1-800-342-3720 (FOR PUBLIC CALLERS)**

**Section 419. Immunity from Liability.** Pursuant to section 419 of the Social Services Law, any person, official, or institution participating in good faith in the making of a report of suspected child abuse or maltreatment, the taking of photographs, or the removal or keeping of a child pursuant to the relevant provisions of the Social Services Law 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 good faith of any such person, official, or institution required to report cases of child abuse or maltreatment shall be presumed, provided such person, official or institution was acting in discharge of their duties and within the scope of their employment, and that such liability did not result from the willful misconduct or gross negligence of such person, official or institution.

**Section 420. Penalties for Failure to Report.**

- 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.

LDSS-2221A (Rev. 09/2016) ATTACHMENT

STAPLE TO LDSS-2221A (IF NEEDED)

**REPORT OF SUSPECTED  
CHILD ABUSE OR MALTREATMENT**

(Use only if the space on the LDSS-2221A under "Reasons for Suspicion" is not enough to accommodate your information)

REPORT DATE	CASE ID	CALL ID
TIME : <input type="checkbox"/> AM <input type="checkbox"/> PM	LOCAL CASE #	LOCAL DIST/AGENCY

PERSON MAKING  
THIS REPORT: \_\_\_\_\_

Print clearly if filling out hard copy.

<b>Continued:</b> State reasons for suspicion, including the nature and extent of each child's injuries, abuse or maltreatment, past and present, and any evidence or suspicions of "Parental" behavior contributing to the problem.	(If known, give time/date of alleged incident)
	MO DAY YR  Time : <input type="checkbox"/> AM <input type="checkbox"/> PM