
 <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 11/14/2023</p>
<p>SUPERSEDES</p> <p>DIR #9395 Dtd. 04/20/22</p>	<p>DISTRIBUTION</p> <p>A B</p>	<p>PAGES</p> <p>PAGE 1 OF 6</p>	<p>DATE LAST REVISED</p>
<p>REFERENCES (Include but are not limited to)</p> <p>NYS Social Services Law (Article 6, Title 6, § 413); Social Services Law SOS § 422(k); New York Family Court Act §§ 1022, 1023, 1024, 1026; New York Social Services Law § 417; Child Protective Services Act</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 (BC)
  - F. Assistant Regional Director (ARD)
  - G. Regional Director
  - H. Director of Internal Operations
  - I. Assistant Commissioner
  - J. Deputy Commissioner (DC)
  - K. Parole Revocation Specialist (as authorized by the DC)
  - L. Deputy Chief for the Parole Violation Unit (as authorized by the DC)
  - M. Chief of the Parole Violation Unit (as authorized by the DC)
- II. POLICY:** In accordance with New York State Social Services Law, Article 6, Title 6, § 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 their 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” (New York State Child Abuse and Maltreatment Register) 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 suspected abused and/or maltreated child resides. The written report must be filed within 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 childcare 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 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.
  2. Creates or allows to be created a substantial risk of physical injury.
  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 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.
  2. In providing the child with proper supervision or guardianship.
  3. By unreasonably inflicting, or allowing to be inflicted, harm or substantial risk thereof, including the infliction of excessive corporal punishment.
  4. By misusing a drug or drugs.
  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.
  6. By any other acts of a similarly serious nature requiring the aid of Family Court.
  7. By abandoning the child.
- 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.
- F. Authorized Recipient - Social Services Law, SOS § 422(k): DOCCS is listed as a duly authorized investigative agency and/or organization under Social Services Law, 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 OCFS "Mandated Reporter Hotline" at (800) 635-1522 to make the initial oral report.
  - b. The Officer shall make the oral report even if they believe that the matter has been reported by another mandated reporter or other individual.
  - c. If an Officer receives a complaint or information regarding a releasee from an immediate family member, relative, friend, associate, or other individual alleging child abuse or maltreatment on the part of the releasee, 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 (subsection IV-A-1-a) 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 subsection IV-A-1-a is the contact number to be utilized by mandated reporters. The Child Abuse and Maltreatment Register will, upon receiving telephone notification, contact the local Child Protective Services (CPS), which will conduct the necessary investigation.

### 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 DSS, CPS. The Officer will complete the NYS OCFS Form #LDSS-2221A, "Report of Suspected Child Abuse or Maltreatment."

- b. Form #LDSS-2221A (originally signed) is to be submitted to the County DSS office where the abused and/or maltreated child resides. The social services office location may be found by accessing the following website:  
<https://ocfs.ny.gov/directories/localdss.php>
  - c. The Officer shall prepare and submit Form #LDSS-2221A even if they believe a report has already been filed by another mandated reporter or other individual.
  - d. The Officer will ensure that Form #LDSS-2221A includes the following:
    - (1) Full name(s) of child(ren)
    - (2) Sex
    - (3) Age or date of birth
    - (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)
    - (15) Actions taken or to be taken by mandated reporter
  - e. If applicable, the Officer will maintain a copy of Form #LDSS-2221A in the releasee's case folder.
  - f. Form #LDSS-2221A may be obtained by downloading the form from the New York State OCFS website:  
<https://ocfs.ny.gov/search/docs.php>
2. The supervisor will follow up with the Officer to ensure that the required Form #LDSS-2221A has been completed and submitted as required.
- C. Death of a Child: Community Supervision Peace 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: Community Supervision Peace Officer
- 1. Officers will provide information regarding a releasee under supervision to CPS upon a determination by the ARD and BC that such information is relevant to an investigation of child abuse or maltreatment as conducted by CPS.

2. Community Supervision Peace Officers responsible for conducting investigations involving releasees 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 that there is reasonable cause to believe the subject of the investigation is a releasee 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 CPS at the time Form #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.
- 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 DSS, and physicians.
- D. If an authorized person removes or keeps custody of a child, they must:
  1. Bring the child immediately to a place approved for this purpose by the local DSS, unless the person is a physician treating the child and the child is or will be presently admitted to a hospital.
  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 their name, title, and 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.
  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.

4. Inform the Family Court and make a report pursuant to the CPS 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 DSS or appropriate authorities, they are 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 weekday session of the appropriate Family Court. If a social services official receives custody of the child, they are 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, §§ 1022, 1023, 1024, 1026; New York Social Services Law, § 417.