

**Suspected Child Abuse, Neglect
and Maltreatment in Domestic Setting - Regulation**

New York Social Services Law (Child Protective Services Act of 1973, as amended) provides for reporting of suspected cases of child abuse by school personnel. These regulations are designed to implement this law within the district and to help protect students from the harmful effects of child abuse.

Definitions

The definition of child abuse and maltreatment is established by law.

“Abused Child”, according to Social Services Law and the Family Court Act, is a child less than 18 years of age whose parent or other person legally responsible for his or her 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 a 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
3. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein shall not apply to proceedings under this article.

“Neglected or maltreated child”, according to the Family Court Act, is a child less than 18 years of age:

1. whose physical, mental, or emotional condition has been impaired or is in danger of becoming impaired as a result of the failure of his/her parents or other person legally responsible for his/her care to exercise a minimum degree of care:
 - a) in supplying the child with adequate food, clothing, shelter, or education in accordance with provisions of One, Article 65 of the Education Law, or medical, dental, optometrical or surgical care though financially able to do so, or offered financial or other reasonable means to do so; or

- b) 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 using a drug or drugs; or by using alcoholic beverages to the extent that he/she loses self-control of his/her actions; or by any other acts of a similarly serious nature requiring the aid of the court; or
- c) who has been abandoned by his/her parent(s) or other person legally responsible for his/her care.

“Person legally responsible”, includes the child’s custodian, guardian, or any other person responsible for the child’s care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

“Impairment of emotional health” and “impairment of mental or emotional condition” includes a state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out of misbehavior, including incorrigibility, ungovernability, or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the parent, guardian, or custodian to exercise a minimum degree of care toward the child.

Reporting Procedures and Related Information

1. A BOCES school official which includes, but is not limited to, a school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator and any other personnel required to hold a teaching or administrative license or certificate is required to report or cause a report to be made to the New York State Register of Child Abuse and Maltreatment when they have reasonable cause to suspect that a child is an abused or maltreated child.
2. Such report shall be made by telephone to the New York State Register of Child Abuse and Maltreatment (800-342-3720), or by fax on a form supplied by the Commissioner of the Office of Children and Family Services.
3. Upon completion of the initial report of suspected child abuse or maltreatment, the BOCES required reporter shall notify the District Superintendent of the report made.
4. Oral reports shall be followed by a report in writing within forty-eight hours after such oral report to the statewide central register and to the local child protective service agency.
5. The District Superintendent or his/her designated agent shall be responsible for all subsequent administration necessitated by the report.
6. The written report must be filed on forms supplied by the Commissioner of the Office of Children and Family Services shall include the following information:
 - a) the names and addresses of the child and his or her parents or other person responsible for his or her care;
 - b) if applicable, the name and address of the residential care facility or program in which the child resides or is receiving care;
 - c) the child's age, sex and race;
 - d) the nature and extent of the child's injuries, abuse or maltreatment, including any evidence of prior injuries, abuse, or maltreatment to the child and or his/her siblings;
 - e) the name of the person or persons alleged to be responsible for causing the injury, abuse, or maltreatment;

- f) the members of the family/family composition if known (e.g. father, mother, two sisters grandmother, etc);
 - g) the source of the report;
 - h) the person making the report and where he/she can be reached;
 - i) the name, title and contact information for every staff person of the BOCES who is believed to have direct knowledge of the allegations in the report;
 - j) the actions taken by the reporting source, including the taking of photographs and x-rays, removal or keeping of the child, and/or notifying the medical examiner or coroner;
 - k) any other information which the Commissioner of the Office of Children and Family Services may by regulation require, or the person making the report believes might be helpful.
7. Any BOCES employee required to report cases of suspected child abuse and maltreatment shall immediately notify the District Superintendent or his/her designated agent, who shall then take or cause to be taken at public expense color photographs of visible trauma and shall, if medically indicated, cause to be performed a radiological examination of the child. A camera and film shall be kept at the BOCES and shall be available for this purpose.
8. Only one report of any suspected abuse is required.
9. The school physician shall notify the appropriate police authorities or the local child protective services to take custody of any child the physician is treating, whether or not additional medical treatment is required, if he/she believes the child is in danger.
10. Any BOCES employee required to report cases of suspected child abuse or maltreatment 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.
11. If it should be necessary for child protective services to interview a child at school to ascertain whether he/she has been abused or maltreated, or to obtain documentation of such acts, the interview should be conducted in the presence of a school official, unless circumstances require otherwise. The school official shall examine and verify the credentials of child protective services worker(s) before allowing such worker(s) to either interview the child or to examine the child's records. If sexual abuse is indicated, the presence of a same-gender staff member during the interview is appropriate.

12. The District Superintendent can request a summary report of an investigation of a case referred to child protective services. The adult subject of a case of suspected child abuse or maltreatment has a right to a copy of all information in the State Central register. A BOCES employee has the right to request that information which would identify the individual making the report be withheld, if furnishing such data might prove detrimental to the safety or interest of that individual.
13. The BOCES shall not impose any conditions, including prior approval or prior notification upon any member of the staff specifically required to report suspected child abuse or maltreatment.
14. The BOCES shall not take any retaliatory personnel action as such term is defined in paragraph (e) of subdivision one of section seven hundred forty of the labor law, against an employee because such employee believes that he or she had reasonable cause to suspect that a child has been abused or maltreated and that the employee made a report in accordance with their capacity as a required reporter under the law.
15. Any BOCES employee acting in good faith who is required to report suspected child abuse or maltreatment or takes photographs of injuries and bruises shall have immunity from any liability civil or criminal. Non-required reporters are also extended immunity from liability, civil or criminal if his/her report of suspected child abuse or maltreatment is made in good faith.
16. All BOCES employees who are required to report suspected child abuse shall be required to attend ongoing training sessions regarding identification and reporting of all cases of suspected child abuse.
17. All BOCES employees who are required to report suspected child abuse shall be provided with a copy of these regulations and the related Board policy concerning child abuse and reporting requirements.
18. Any BOCES employee required under the law to report suspected cases of child abuse or maltreatment and who fails to do so, may be found guilty of a class A misdemeanor, and may be held civilly liable for the damages caused by this failure.
19. If a report of child abuse or maltreatment has been determined to be unfounded, all records both in the state central register and in school files shall be expunged.

Approved: June 19, 2002
Revised: November 19, 2008