

PROPOSAL MEMORANDUM

May 7, 2009

Subcommittee #: 1

Name: **SCR, documentation and record keeping**

General Comments/Summary:

1. Sections of the regulations that should remain:
2. Sections of the regulations where more specifics or clarification are needed:

18 NYCRR 452.9(e); 18 NYCRR 462.8(a), (b): The current framework of the mandated reporter law can negatively impact a program's work with a family. The subcommittee recommends a further discussion its application to domestic violence programs and consider revisions to the law, regulations and directives from OCFS.

Of particular concern is that mandated reporters – the current definition of which includes all non-legal staff – appear to be prohibited from consulting with supervisors prior to making a report of suspected child abuse or neglect. Due to the financial constraints facing programs, many staff lack advanced degrees, some staff are quite new to this work, and certain positions or shifts may experience frequent turnover.

The subcommittee recommends consideration of how to allow – and encourage – staff to have prompt consultations with supervisors prior to making a report. A supervisor, who generally has advanced educational training and work experience, is in a better position to help a staff member assess whether the situation constitutes “reasonable cause to suspect” abuse or neglect. Such consultations would likely reduce inappropriate or redundant reports that may negatively impact clients and expose programs to potential civil liability.

3. Significant gaps in the regulation: