

NEW YORK STATE
OFFICE OF CHILDREN AND FAMILY SERVICES
Office of Youth Development

**INSTRUCTIONS FOR NOTIFICATION OF ALLEGATION
OF INSTITUTIONAL ABUSE IN RHY RESIDENTIAL PROGRAM**

RHY Regulations (182-1.12) require immediate notification of suspected incidents of institutional abuse or maltreatment (IAB) to the State Central Register (SCR) at (800) 635-1522 and, if applicable, local law enforcement officials, and the OCFS Office of Youth Development. All staff working in RHY residential programs are mandated reporters. *The form on the reverse must be completed and faxed or e-mailed to OCFS immediately after calling in an allegation of IAB to the SCR.*

When calling the SCR, you must clearly state that you are calling from an *OCFS certified runaway and homeless youth residential facility*. In order for the SCR to accept a call alleging institutional abuse, the youth in residential care must be under age 18, and the *subject* of the report must be either the director, operator, employee or volunteer of the residential program; OR a consultant or employee/volunteer of a private or public entity which provides goods or services to the program and where the person has regular and substantial contact with youth in care.

A youth in residential care has been *abused* when the:

- subject of the report inflicts any injury on a child in residential care by other than accidental means and such action causes death, serious or protracted disfigurement, serious or protracted impairment of physical health, serious or protracted loss or impairment of the function of any bodily organ, or serious emotional injury, OR
- subject of the report, by his or her conduct and with knowledge or deliberate indifference, allows an injury to be inflicted on a child that results in death, serious or protracted impairment of physical health, protracted loss or impairment of the function of any bodily organ, or a serious emotional injury, OR
- subject of the report creates a substantial risk of any injury to the child in residential care by other than accidental means and such action would be likely to cause death, serious or protracted disfigurement, or protracted impairment of physical health, protracted loss or impairment of the function of any bodily organ, or serious emotional injury, OR
- subject of the report, by his or her conduct and with knowledge or deliberate indifference, creates a substantial risk of death, serious or protracted disfigurement, or protracted impairment of physical health, protracted loss or impairment of the function of any bodily organ, or serious emotional injury, OR
- subject of the report commits, promotes or knowingly permits the commission against a child in residential care of a sex offense, defined as the physical contact, clothed or unclothed, of anyone with any part of the child's clothed or unclothed body, if the contact was made or attempted by the caretaker for the sexual gratification of either the caretaker or the child (even though it was not consummated); or the contact was made or planned by another person (even though it was not consummated) with the knowledge of the caretaker and s/he did nothing to stop it; or taking pictures or movies of children or allowing them to perform before others in a way that would stimulate sexual gratification, OR
- subject of the report fails to comply with a rule or regulation involving care, services or supervision of a child in residential care promulgated by a State agency which operates, certifies or supervises the residential facility or program, and such failure to comply resulted in the death, or serious or protracted disfigurement, serious or protracted impairment of physical health, or serious or protracted loss of the function of a bodily organ of a child in residential care where such result was reasonably foreseeable.

A youth in residential care has been *neglected* when the:

- subject of the report inflicts by act or omission physical injury, excluding minor injury, by other than accidental means to a child in residential care, OR
- subject of the report creates a substantial risk of physical injury, excluding minor injury, by other than accidental means to a child in residential care, OR
- subject of the report fails to comply with a rule or regulation involving care, services or supervision of a child promulgated by a State agency operating, certifying, or supervising a residential facility or program and such failure to comply results in physical injury, excluding minor injury, or serious emotional injury to a child in residential care where such result was reasonably foreseeable, OR
- subject of the report fails to meet a personal duty imposed by an agreed upon plan of prevention and remediation pursuant to the Social Services Law, Mental Hygiene Law, Executive Law or Education Law, arising from abuse or neglect of a child in residential care and such failure results in physical injury, excluding minor injury, or serious emotional injury or the risk thereof to the child, OR
- subject of the report intentionally administers to a child in residential care any prescription drug other than in substantial compliance with a physician's, physician's assistant's or nurse practitioner's prescription.

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Immediately after calling the SCR with an allegation of institutional abuse, *whether it is accepted or not*, the following information must be faxed to OCFS at (518) 473-6692 or e-mailed to GG5105@dfa.state.ny.us or GG9630@dfa.state.ny.us. Use additional pages if necessary.

Agency: _____ Program: _____

Contact Person: _____ Title: _____ Phone: _____

Date: _____ Time report called to SCR: _____ Report accepted? Yes No

If report accepted, SR#: _____

If report not accepted, why not? _____

If not accepted, or not immediately accepted, did you speak with a supervisor at the SCR? Yes No



1. Who called the SCR? Name: _____ Title: _____

2. Who else, other than the SCR and OCFS, was notified about this allegation?

3. Were local law enforcement officials contacted? Yes No

4. Describe the allegation. Include the youth's name and date of birth, where and when the incident occurred, and the name and title of the subject of the report.

5. What steps were taken to ensure the safety of the young person? [*If the young person was removed from the program or transferred, the County RHY Coordinator must be notified: 182-1.12(b)(3).*]

6. Was the youth examined by a physician or medical specialist? Yes No
If yes, where and by who?

7. What action was taken concerning the alleged perpetrator?

8. Who is responsible to conduct the agency's internal investigation? [*See RHY Regulations 182-1.12(b)(2)*]

Name: _____ Title: _____ Phone: _____