

March 26, 2009

Dear Provider:

The purpose of my letter to you today is to inform you of a change to the Social Services Law (SSL) concerning who must report child abuse and maltreatment allegations. The change was made by Chapter 193 of the Laws of 2007, amending section 413 of the SSL. This act became law on July 3, 2007 and became effective on October 1, 2007.

This law changes the procedures for reporting abuse and maltreatment as set forth in the New York State Codes, Rules and Regulations, specifically section 418-1.10(c) of the day care center regulations and section 414.10(c) of the school age child care regulations. **Under the changes to the mandated reporting law, when a report of alleged abuse or maltreatment of a child or children in a day care center or school age child care program is being made by a mandated reporter who is a staff member of the day care center or school age child care program, the report must be made by a staff member who has direct knowledge of the allegation(s) of suspected abuse or maltreatment. The mandated reporting law no longer permits a mandated reporter to fulfill his or her mandated reporting responsibility by advising the director of the center or program, or the director's designee, of the alleged abuse or maltreatment and having the director or designee make the call to the Statewide Central Register of Child Abuse and Maltreatment (SCR). Under the new law, a mandated reporter with direct knowledge of the alleged abuse or maltreatment must personally make the call to the SCR. (Note: The SCR has access to interpreters to assist non-English speaking reporters.)**

This means that the provisions of the regulations cited above that require that mandated reporters advise the director of the program or the director's designee of any allegations of abuse or neglect so that the director or designee may call the SCR are no longer operative. Under current law, reports to the SCR must be made by a staff member who has direct knowledge of the alleged abuse or maltreatment. The mandated reporter is then required to notify the director or designee that a report has been made. The director or designee is then responsible for all subsequent internal administration necessitated by the report, including completion of the form LDSS 2221A.

No longer does notification to the director or his or her designee absolve the original mandated reporter of his or her responsibility to personally make a report to the SCR. In addition, when making a report to the SCR, the mandated reporter must include the names, job titles and contact information of every staff person

who is believed to have direct knowledge of the allegations contained in the report.

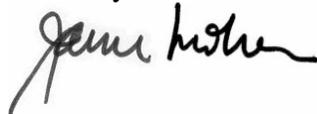
However, as under previous law, the mandated reporting law still does not require that more than one report from any center or program be made to the SCR concerning a particular allegation of abuse or maltreatment. Accordingly, mandated reporters with direct knowledge of the alleged abuse or maltreatment who make reports to the SCR may advise other mandated reporters in the center or program that a report was made and of the contents of the report. Mandated reporters with direct knowledge of the alleged abuse or maltreatment who are considering making a report may also advise other mandated reporters who are aware of the same alleged abuse or maltreatment that they intend to make a report, and may make the report on behalf of other mandated reporters in the center or program. A mandated reporter who is making a report on behalf of other mandated reporters should advise the SCR of the names of the other mandated reporters in the center or program on whose behalf the report is being made. It is important to note, however, that in these situations the person who makes the call to the SCR must be a mandated reporter with direct knowledge of the alleged abuse or maltreatment, as discussed above. Not every mandated reporter in the center or program with direct knowledge of the alleged abuse or maltreatment need make a separate call to the SCR, but at least one mandated reporter with direct knowledge of the alleged abuse or maltreatment must make a call. OCFS has issued guidance on complying with the change in the mandated reporting law in 08-OCFS-INF-01, which is available on the OCFS website.

Children's safety is a goal of all professionals working with children. This change in law assists us in that goal. Specifically, the changes will help to address problems with timeliness of reporting, the sometimes questionable accuracy of second- or third-hand information, and the subsequent ability of the child protective services investigator to follow up with the original source of the report.

Program directors or their designees should notify their staff of the changes outlined in this letter. The attached *Mandated Reporter Attestation* will serve as a record that staff members have been informed of their new responsibilities. Please make copies and have each staff person sign the form. File the stored attestations as a record of notification.

If you have any questions regarding this letter, please contact the regional office in your area for assistance. Thank you for your cooperation.

Sincerely,



Janice M. Molnar, Ph.D.
Deputy Commissioner
Division of Child care Services

Attachment

Mandated Reporter Attestation

"I understand that I am a mandated reporter of suspected child/abuse maltreatment, that I have received training on the duties of a mandated reporter on _____ (*fill in date*) and that I recognize that I am personally responsible to report to the Statewide Central Register of Child Abuse and Maltreatment (SCR) any direct knowledge that I have of suspected abuse or maltreatment of a child in this day care center or school age child care program, unless I know that another mandated reporter in this day care center or school age child care program has made a report to the SCR concerning that abuse or maltreatment. I am aware that this responsibility **is not** satisfied by reporting said knowledge to my direct supervisor or any other employee of the Center. After making a report to the SCR, I understand that I must notify the program director or his/her designee that a report has been made.

I further understand that when making a report to the SCR, I must include the names, job titles and contact information of every staff person whom I believe has direct knowledge of the allegations contained in my report. "

Signature of staff member

Print name

Date