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act or acts by the subject has been determined in an article ten proceeding of the Family Court Act to constitute abuse or neglect may be directed to the appropriate local department(s) of social services.

- those engaged in bona fide research (No identifying data may be released unless they are essential and prior approval has been obtained). Requests for access by those engaged in bona fide research must be sent to the Division of Family and Children Services and approved by a State panel composed of staff from the Office of Legal Affairs and the Division of Family and Children Services. The panel assesses such issues as the legitimacy of the request, the qualifications of researchers, assurance of confidentiality and the proposed utilization of project findings.

b. Requests Directed to LDSS

The requests by individuals or organizations cited below should first be directed to the appropriate local department of social services who have additional CPS information not available in the State Central Register. All requests for access to written information, with the exception of service providers should be in writing on a case specific basis. Upon receiving a written request, the local district shall provide on a case specific basis, any report made pursuant to Section 422 of the Social Services Law as well as any other information in the possession of the local district Child Protective Services Unit unless the local district decides to deny in whole or in part access by an individual or organization pursuant to Section 422.4(B) of the Social Services Law. (See Denial of Access by local districts, X B8.) The local district is also authorized pursuant to Section 422.7 of the Social Services Law to withhold the identity of the source of the report. (See Confidentiality and the Source of the Report XB 10.)

One exception to the physical transfer of copies of CPS information relates to photographs. Original photographs taken concerning such reports are a permanent and vital part of the CPS record and the local district should avoid transferring physical custody of them to individuals or organizations. In the alternative, such photographs should be made available for viewing on-site at the local district.

- (i) A district attorney, an assistant district attorney or an investigator employed in the district attorney's office.

The district attorney must receive a copy of any or all reports (DSS-2221, 2221A, 2222 and 2223) in a case involving the death of a child or if a prior request was made pursuant to section 424.4 of the Social Services Law, or if a referral has been made by Child Protective Services to the district attorney's office for criminal court action pursuant to Section 424.10 of the Social Services Law. However, if the district attorney's office requests additional

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information than that obtained pursuant to Sections 424.4 or 424.10 of the Social Services Law or any information concerning a Child Protective Services case for which a request or referral pursuant to Sections 424.4 or 424.10 of the Social Services Law has not been made, they must make a written request which states the name of the person and the type of criminal investigation the district attorney's office is conducting on that person. Access shall be given only if the district attorney certifies that the information being requested is necessary to conduct a criminal investigation of the subject of the report or to prosecute the subject of the report and that such investigation or prosecution is reasonably related to the allegations contained in the report.

The district attorney may also receive updates which relate to the initial report on a case in which the district attorney has provided written certification and the district attorney's need for this information continues to meet the original criteria of the certification.

- (ii) A sworn officer of the Division of State Police or New York City Police Department.

The written request should state the name of the person and the type of criminal investigation being conducted on that person. Access shall be given only when the officer certifies the records and reports are necessary to conduct a criminal investigation of the subject of a report and the investigation is reasonably related to the allegations contained in the report.

- (iii) A sworn officer of a city police department, other than the New York City police department, or of a county, town, or village police department or county sheriff's department. (If the local district has indicated in its Consolidated Services Plan that such local officer is entitled to receive CPS information.)

The written request should state the name of the person and the type of criminal investigation being conducted on that person. Access shall be given only if the investigation is of a subject of the report and reasonably related to the allegations contained in the report.

- (iv) Probation Services.

The written request should state the probation service is conducting an investigation in accordance with Section 653 of the Family Court Act and they have reason to suspect that the child or the child's sibling may have been abused or maltreated and that the information is necessary to make a recommendation to the court. Access is limited to indicated reports of child abuse or maltreatment. Information concerning reports under investigation can not be shared. Section 653 of the Family Court refers to an investigation relating to a custody or habeas corpus proceeding. The law does not authorize disclosure in all cases involving probation services. For example, it does not include





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adoptions. Therefore, before disclosure is made the local district must verify that the request by the probation services is restricted to a custody or habeas corpus determination.

(v) Service Providers.

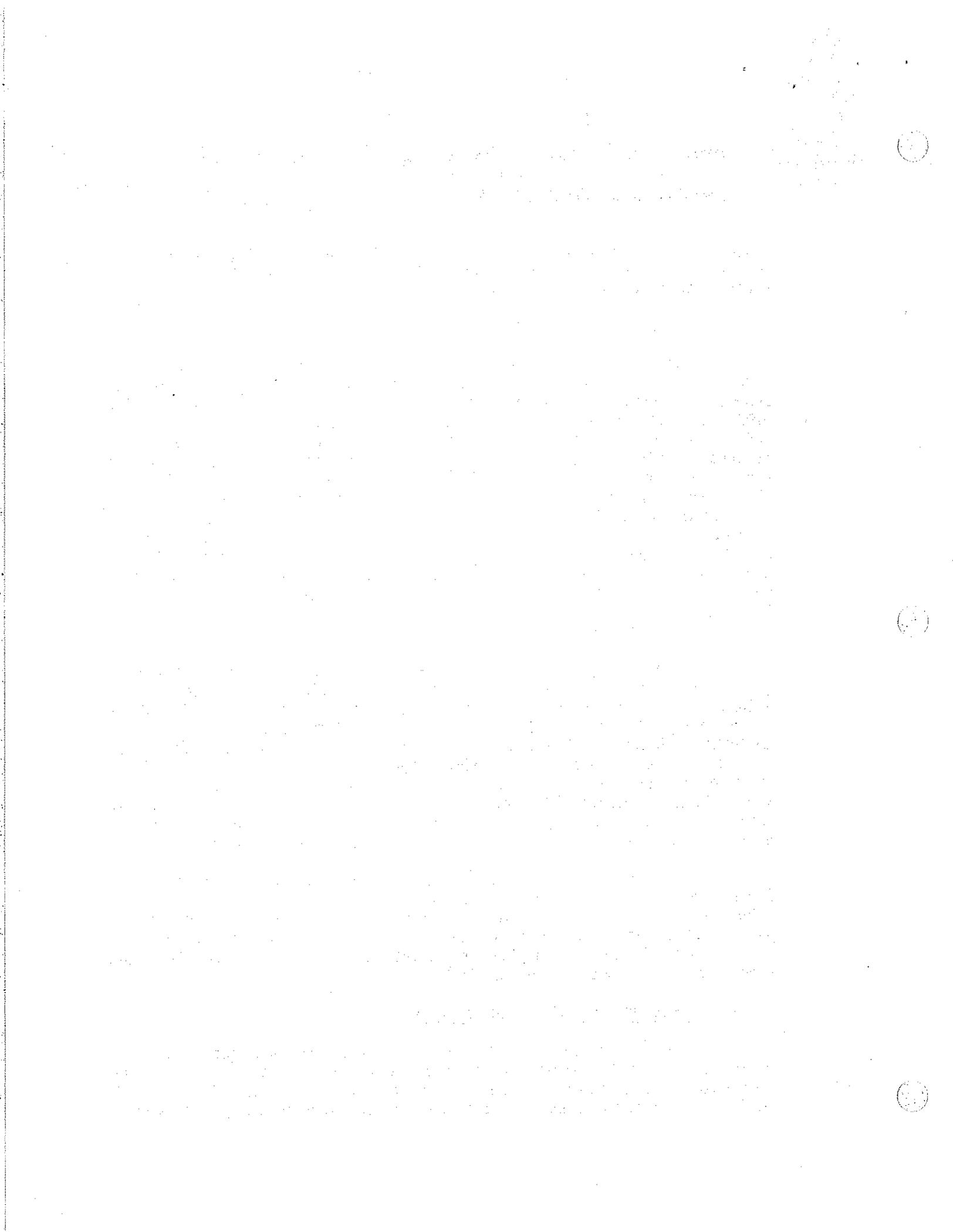
Local districts are given some discretion in the sharing of information with service providers or coordinators of services and as a result a written request for access by the provider is not required. The sharing of CPS information can occur only if the local district or child protective service has referred a reported child to a service provider or coordinator of services for the purpose of delivering or arranging services or continuing service provision and the information is necessary to establish and implement the child and family plan of service. A provider or coordinator of services is an individual, agency, or institution identified by the local district as meeting the educational, health, mental health or social service needs of the child and his family and is specifically named in the child and family plan of service approved by the appropriate local district. Such plan includes Uniform Case Record assessment and service plan forms for indicated child protective cases or cases under investigation in receipt of preventive or foster care services and progress notes for cases under investigation.

When sharing information with service providers, discretion should be utilized in determining how minute in detail or how all encompassing the data should be. If an agency is to play an integral role in the implementation of the service plan, it is self-defeating to withhold relevant information that is needed to fulfill their part in that plan. On the other hand, releasing all information contained within the case record, when either a narrower scope or less detail would be sufficient in ensuring that all service providers will be able to fulfill their role, is unjustified. The Uniform Case Record assessment and service plan forms should be shared with all service providers. Whenever feasible, efforts to obtain the client's consent to share such information should be made.

When sharing information always distinguish casework impression from fact. Casework opinion or conclusion should be labeled as such. When sharing information about a family where a determination of the allegation is still pending, this fact should be made clear. When a determination is made, it is crucial that all the service providers update their records (especially if the report was determined to be unfounded).

4. Denial of Access by Local Districts.

A local district may withhold in whole or part access to CPS information by the following individuals or organizations if they determine such information is not related to the purposes for which it is requested or if it will be detrimental to the child named in the report: (a) physicians, (b) probation





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service, (c) district attorney, an assistant district attorney, and an investigator employed by the district attorney, (d) a state police or New York City police officer, (e) a city, county, town village police officer if entitled to access, pursuant to the local district's consolidated services plan, (f) New York City Department of Investigation, (g) chief executives of authorized agencies, directors of day care centers and directors of facilities operated or supervised by the Department of Education, Division for Youth, the Office of Mental Health or the Office of Mental Retardation and Developmental Disabilities and (h) providers or coordinators of service.

The decision whether to withhold access to CPS information should be made by the district on a case specific basis. Access must be denied if it is not related to the purpose for which the individual or organization is entitled to have access or if it will be detrimental to the child named in the report. Since law enforcement officials and service providers have different informational needs, limiting access based on need should be considered. This would mean sharing the relevant portions of the CPS record related to the purpose for which access was intended. Access might be limited to assessment type information necessary for treating the child and family in the case of a service provider or factual type information which will serve as evidence in a criminal investigation in the case of a law enforcement official.

If denying access in whole or part, a local commissioner of social services must within 10 days of request, explain in writing to the requestor, the reason for the denial. A person or agency identified above who is denied access to CPS information may bring an Article 78 proceeding for review of the denial.

5. Mandatory Information Sharing

In certain situations involving suspected abuse or maltreatment information, must be divulged. They include the following:

SS Law
418
18 NYCRR
432.3(e)

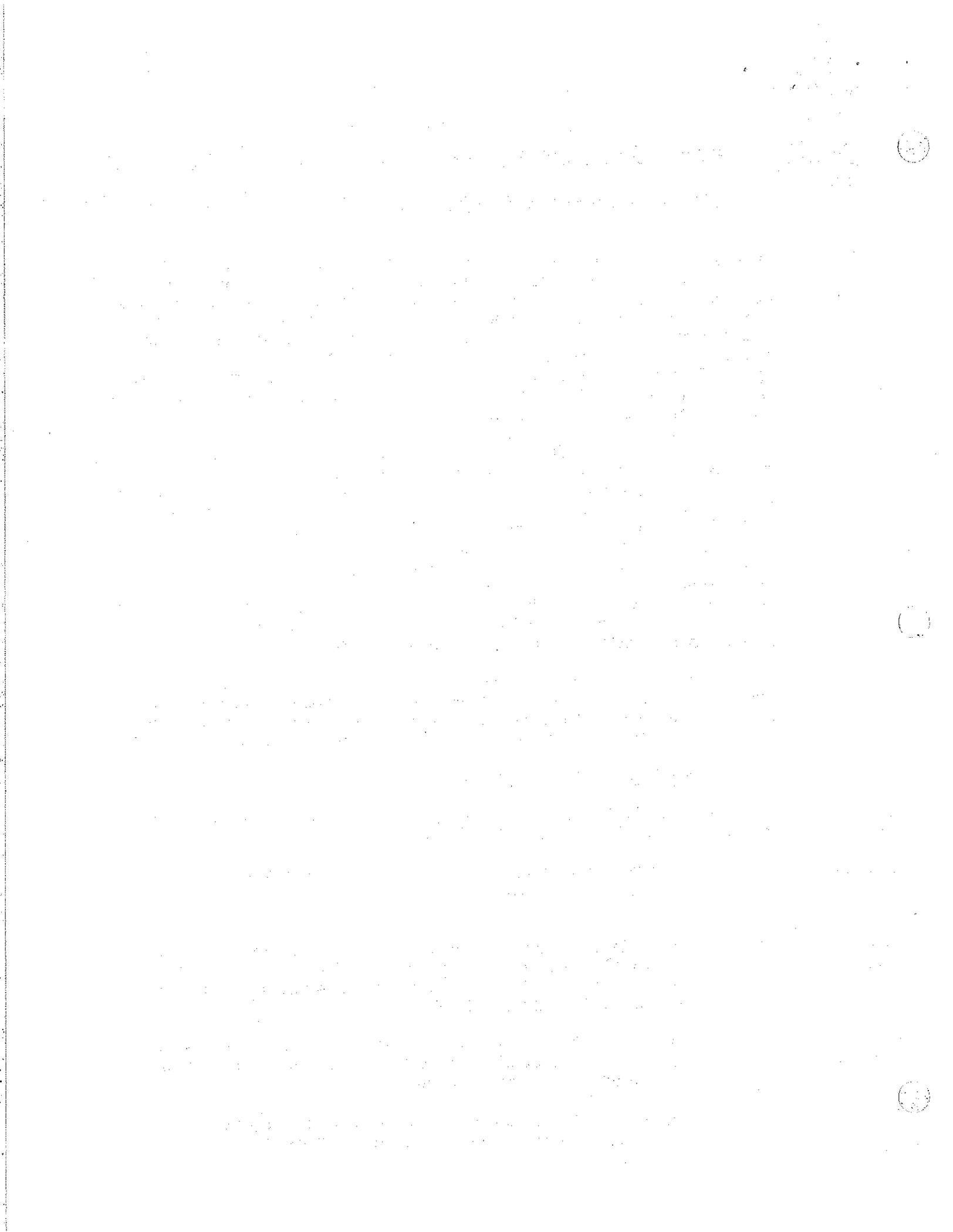
- mandated reporters including local CPS workers must report deaths to the appropriate medical examiner or coroner; (See Notification IX G1.)

SS Law
424.4

- after investigation, the medical examiner or coroner must report his findings to the police, the district attorney, the local child protective service and the hospital (if the report originated from the hospital);

18 NYCRR
432.2(d)

- the local CPS must notify the district attorney by telephone and provide a copy of any report alleging a child has died of suspected abuse or maltreatment;
- the local CPS must provide copies of reports to any SPCC if a prior request in writing has been made for these.





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- the local district must provide a copy of any or all reports to the district attorney's office if the district attorney's office makes a prior request in writing. The local district must provide telephone notice of any reports to the district attorney's office if the District Attorney's office requests in writing, such notice. The written request must specify the kinds of allegations as identified on the DSS-2221 that the District Attorney's office requires telephone notice and/or copies and must cite the relevant provisions of law (see Communication with the District Attorney and Police Agencies IV D 11).

The above statute and regulation notwithstanding, it is essential that the local child protective service maintain the confidentiality of reports and protect all information gathered throughout the investigation, provision of services, and monitoring processes.

6. Confidentiality and the Source of the Report

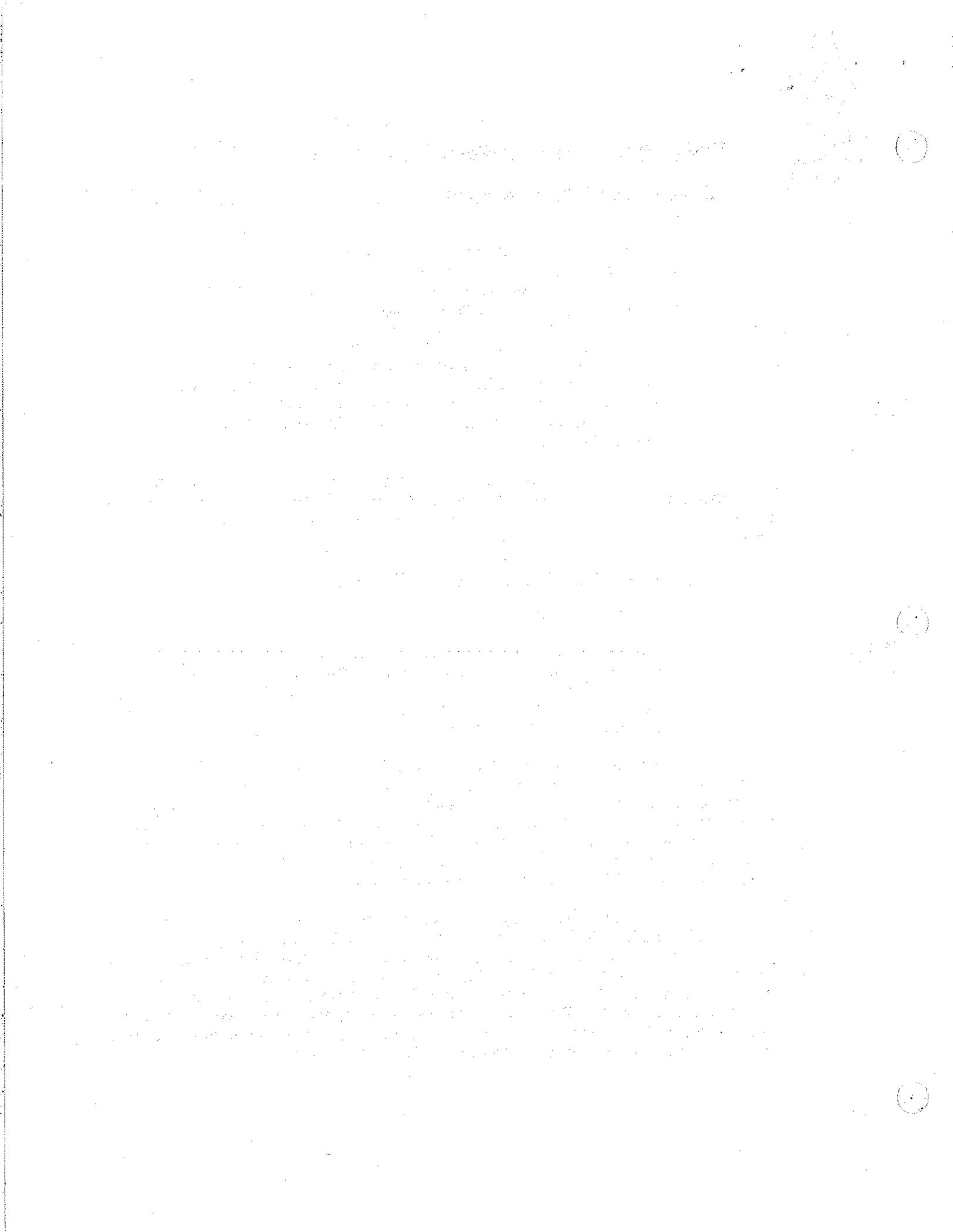
The Social Services Law provides:

SS Law
422.7

"...the commissioner is authorized to prohibit the release of data that would identify the person who made the report or who cooperated in a subsequent investigation, which he reasonably finds will be detrimental to the safety or interests of such person."

All sources of reports, whether mandated or non-mandated, and those persons who cooperated in the investigation have a right to anonymity from a subject of a report or other person named in the report if they request it and they provide the SCR with a valid reason as to why their safety or interests would be in jeopardy should their names be released. When a report is released by the SCR to a subject, the source of the report or any information identifying him/her is withheld if confidentiality has been granted.

In these circumstances, it is equally important that the local CPS also protect the confidentiality of the source. Although it is common practice when telephone reports are taken from the SCR to ascertain that the identity of the source is to be kept "confidential", a caseworker who does not receive that information should check with the source before releasing this information to the subject. When the allegations contained in a report are shared by the local caseworker with the subject, the narrative should be worded so as not to reveal the identity of the source when confidentiality is necessary.





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It should be noted, however, that circumstances may arise where the identity of the source or person who cooperated may have to be disclosed. One such instance occurs when the court orders the presentation of the case records. If the source or person who cooperated seeks confidentiality, it is suggested that the district inform the court of this request and ask that it consider withholding the identities, giving the basis for this request.

7. Confidentiality and Family Court

FCA
166
FCA
1046
(a)(viii)

All records of proceedings in Family Court shall not be open to indiscriminate public inspection. The court may authorize disclosure. An issue of confidentiality arises when child abuse/neglect petitions are filed in Family Court. The Family Court Act section pertaining to evidence addresses the subject of privileged communications. Specifically, statutes concerning privileged communications between husband and wife, physician and patient, psychologist and client and social worker and client do not apply in child abuse and neglect hearings. Information obtained in the course of these relationships is admissable as evidence in Family Court involving abuse or neglect.





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Requests for Information from SCR VIII P1-VIII P2.)

If a decision is reached to expunge or to amend the report, both the subject and the local district are notified in writing. The State Central Register and the local district must follow the expungement procedures as if the report had been originally unfounded, including informing, for the same purpose, any other agency which has received a record of the report. If the report is amended by the SCR, the local district must take the same steps to make all appropriate modifications.

The State Central Register (SCR) will notify the Bureau of Services Information Systems (BSIS) in the Division of Family and Children's Services of the children named in indicated reports of child abuse and maltreatment when such reports have been expunged from the SCR as the result of an Expungement Review or a Fair Hearing decision made pursuant to SSL 422.8 and SSL 424-a. BSIS will be responsible for expunging all CPS related information on such children from CCRS. Upon receipt of notification from the SCR that such cases have been expunged from the SCR, local districts will no longer be responsible for entering CPS related information into CCRS for these cases but must continue to enter preventive and/or foster care information if any child continues to receive preventive and/or foster care services.

4. Clearance Expungements

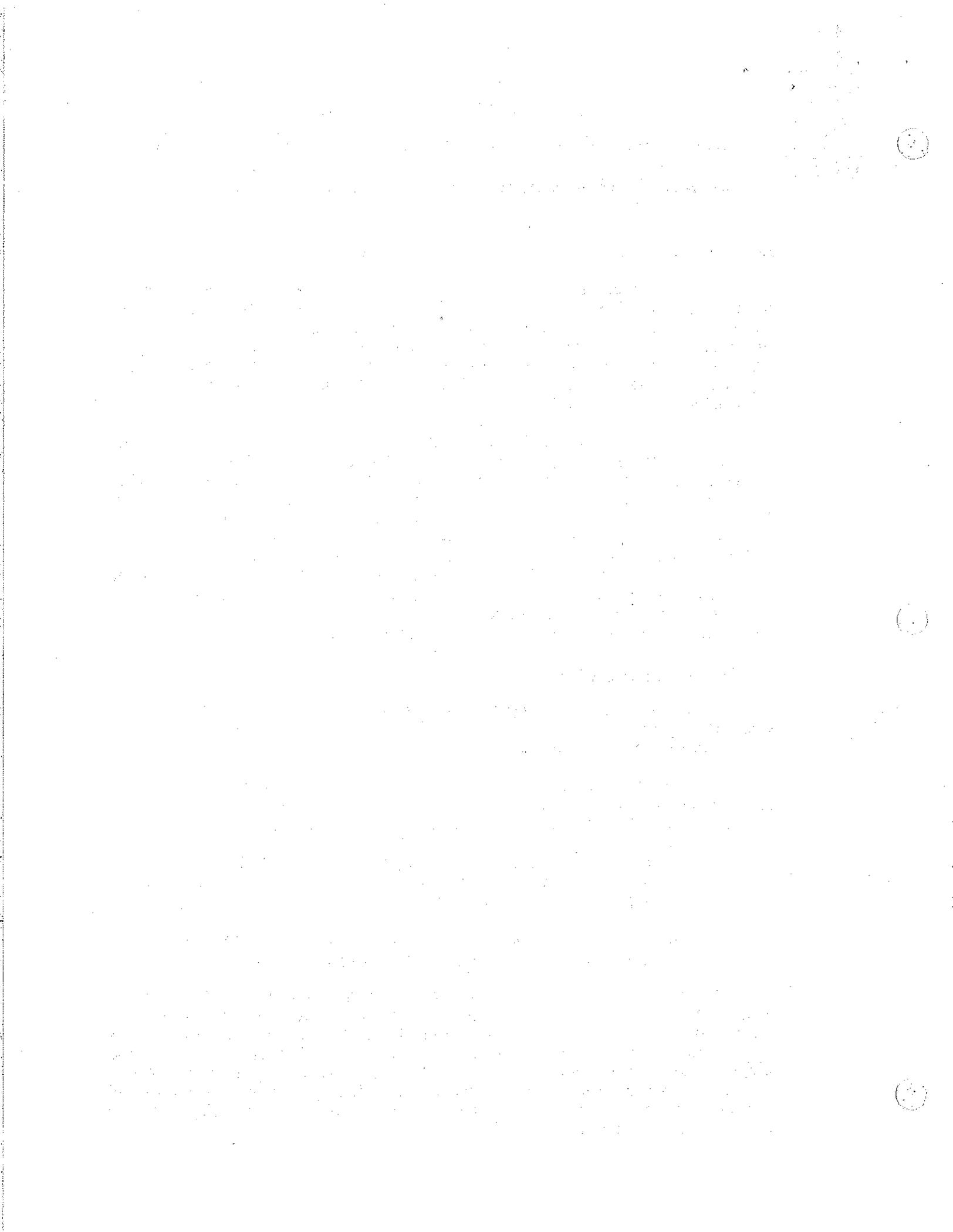
SS Law
424-a

Certain designated agencies are required to inquire of the SCR as to whether a person is the subject of an indicated report of child abuse and maltreatment on file in the SCR.

In instances where the person being screened is identified as the subject of an indicated report the SCR will conduct a review of records, including local district records, in order to make the following determinations:

- whether there is some credible evidence to find that the subject committed the act(s) of child abuse or maltreatment giving rise to the indicated report; and
- whether such acts could be relevant and reasonably related to the position for which the person is being screened.

If the review finds no credible evidence the SCR will notify both the local district and the subject of its decision to expunge the record and will notify the inquiring agency that the person about whom the clearance is made is not the subject of a report. The SCR and the local district must follow the expungement procedures as if the report had been originally unfounded, including informing, for the same purpose, any other agency which has received a record of the report. (See Clearances V D1-V D4 and Expungement Review/Fair Hearings V C1-V C3.)





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5. "Ten Year" Expungements

Section 422.6 of Social Services Law mandates the SCR to expunge records of indicated reports ten years after the reported child's eighteenth birthday. The SCR will take action to expunge the entire family's SCR case record no later than ten years after the eighteenth birthday of the youngest child in the household. In addition, information related to the CPS case will be expunged from CCRS.

The SCR will notify the local district to expunge the record of the report contained in the local register, as well as all other case record information related to the report maintained by the local district. The local district must then take immediate action to expunge records.

6. WMS

18 NYCRR
655.2

Since all indicated child protective cases in receipt of protective services must be authorized in the Welfare Management System (WMS), regulation mandates that information identifying the child as a recipient of child protective services must be expunged no later than three months after the child's eighteenth birthday. If services are or were being provided, other than protective (or preventive), WMS will retain identifying information on those other services, including the name of the recipient, but it will not show the provision of protective (or preventive) services beyond the allowable dates.



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Glossary

Abused Child (FCA Section 1012(e) SSL 412.1) - a child less than eighteen years of age whose parent or other person legally responsible for his care;

- (i) 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
- (ii) creates or allows to be created a substantial risk of physical injury to such 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
- (iii) commits, or allows to be committed, a sex offense against such child, as defined in the penal law; allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30 and 230.32 of the penal law; commits any of the acts described in section 255.25 of the penal law; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the penal law provided, however, that (a) the corroboration requirements contained in the penal law and (b) the age requirement for the application or article two hundred sixty-three of such law shall not apply to proceedings under this article.

Abused Child in Residential Care - (SSL 412.8) means a child whose custodian:

- (a) 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, serious protracted disfigurement, protracted impairment of physical or emotional health or protracted loss or impairment of the function of any organ;
- (b) creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, protracted impairment of physical or emotional health or protracted loss or impairment of the function of any organ; or
- (c) commits, or allows to be committed, a sex offense against such child, as described in the penal law; allows, permits or encourages such child to engage in any act described in section 230.25, 230.30 or 230.32 of the penal law; commits any of the acts described in section 255.25 of the penal law; or allows such child to engage in acts or conduct described in article two hundred sixty-three of the





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penal law, provided, however, that (i) the corroboration requirements in the penal law and (ii) the age requirement for the application of article two hundred sixty-three of such law shall not apply to proceedings commenced pursuant to this title or article ten of the family court act.

Assurances - those guarantees that self-certify a district's compliance with departmental regulations/mandates.

Case Planning - assessing the need for, providing or arranging for, coordinating and evaluating the provision of protective services for children, and all other rehabilitative services provided to subjects and others named in abuse and/or maltreatment reports. Case planning shall include referring child(ren) and his/her family to providers of rehabilitative services; recording in the child's uniform case record; establishing the provision of such services and necessary casework contacts; and the timely completion of all required State Central Register reports.

Case Management - the responsibility of the local social services district to authorize the provision of protective services for children, to approve in writing the child and family services plan, and to approve in writing reports to be submitted to the State Central Register of child abuse and maltreatment and the filing of such reports to the State Central Register.

Casework Contacts - face-to-face sessions with the child and/or the child's parents or guardians or activities with the child and/or the child's parents or guardians towards a course of action which addresses the allegations determined to be "indicated" as a result of the child protective services investigation.

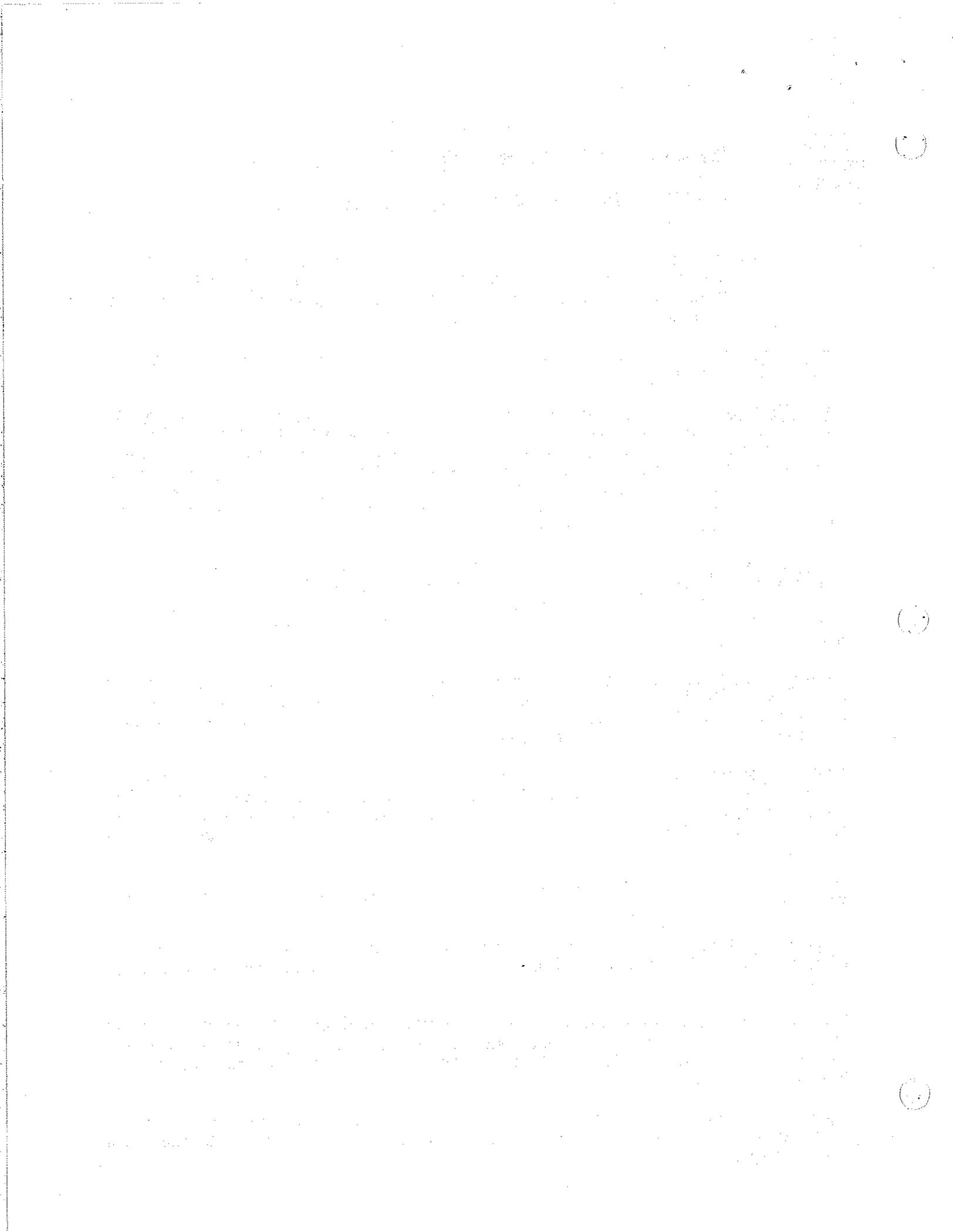
Child Protective Agency (FCA 1012) - any duly authorized society for the prevention of cruelty to children or the child protective service of the appropriate local department of social services or such other agencies with whom the local department has arranged for the provision of child protective services under the local plan for child protective services.

Custodian (SSL 412.6) - means the director, operator, employee or volunteer of a residential care facility or program.

Dispositional Hearing (FCA 1045) - a hearing for the purpose of determining what order of disposition should be made (ex., placement, return to parents, order of protection, etc.).

Documentation File - memos and procedures compiled by a local district which support the district's assurances of compliance with the statutory and regulatory requirements related to child protective services that are included in a district's Consolidated Services Plan.

Duplicate Report - a report of the same incident of suspected child abuse or maltreatment involving the same child(ren) or family already reported to the State Central Register.





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Expungement - the physical erasure or obliteration/destruction of information from local protective services records and SCR records.

Fact-finding Hearing (FCA 1044, 1046) - a hearing to determine whether a child is an abused or neglected child based on a fair preponderance of the evidence.

Family and Children's Services Plan - assistance, care and/or services provided to a child and his family as developed and maintained according to uniform case record requirements.

Impairment of Emotional Health/Impairment of Mental or Emotional Condition (FCA 1012) - 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 or misbehavior, including incorrigibility, ungovernability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

Indicated Report (SSL 412.11) - a report made pursuant to the Child Protective Services Act of 1973 if an investigation determines that some credible evidence of the alleged abuse or maltreatment exists.

Initial Oral Report - a report of suspected child abuse or maltreatment made by telephone (or by letter or in person) by the reporting person to the State Central Register (or to the local Child Protective Service) under the provisions of Section 415 of the Social Services Report.

The first report concerning a particular case or the next report received after a case is closed.

Local Register - copies of all reporting forms submitted to the SCR including a listing kept in the child protective services unit, separate and distinct from the case record, which shall be a register of all child abuse and maltreatment cases reported, additional information obtained and final disposition of the report, including services offered and accepted and copies of all Notification Letters.

Maltreated Child (SSL 412.2) - a child under eighteen years of age:

defined as a neglected child by the Family Court Act; or
who has had serious physical injury inflicted upon him by other than accidental means.

Monitor - the member of the child protective service who is monitoring the direct services being provided to an indicated case open in the State Central Register.





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Monitoring - the active continued involvement of the local district's child protective service with those indicated cases which are open in the State Central Register but which are not being directly served by the child protective service, for the purpose of ensuring that all child protective service issues and the reason for the indication of the case are addressed in the established plan for service and that such plan for service is implemented.

Neglected Child (FCA Section 1012(f)) - a child less than eighteen years of age

- (i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care
 - (A) in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article sixty-five 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 misusing a drug or drugs, or by misusing alcoholic beverages to the extent that he loses self control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision; or
- (ii) who has been abandoned in accordance with the definition and other criteria set forth in subdivision five of section 384-b of the Social Services Law, by his parents or other person legally responsible for his care.

Neglected Child in Residential Care - (SSL 412.9) means a child whose custodian impairs, or places in imminent danger of becoming impaired, the child's physical, mental or emotional condition:

- (a) by intentionally administering to the child any prescription drug other than in accordance with a physician's or physician's assistant's prescription;



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(b) in accordance with the regulations of the state agency operating, certifying or supervising such facility or program, which shall be consistent with the child's age, condition, service and treatment needs, by:

(i) failing to adhere to standards for the provision of food, clothing, shelter, education, medical, dental, optometrical or surgical care, or for the use of isolations or restraint; or

(ii) failing to adhere to standards for the supervision of children by inflicting or allowing to be inflicted physical harm, or a substantial risk thereof; or

(c) by failing to conform to applicable state regulations for appropriate custodial conduct.

Other Persons Named in the Report - (SSL 412.5) - means the following persons who are named in a report of child abuse or maltreatment other than the subject of the report: the child who is reported to the Central Register of Child Abuse and Maltreatment and such child's parent, guardian, or other person legally responsible for the child who have not been named in the report as allegedly responsible for causing injury, abuse, or maltreatment to the child or as allegedly allowing such injury, abuse or maltreatment to be inflicted on such child; in the case of a report involving abuse or maltreatment of a child in residential care, such term shall be deemed to include the child's parent, guardian or other person legally responsible for the child who is not named in such report.

Person Legally Responsible - (FCA 1012(g)) - includes the child's custodian guardian, 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.

Protective Custody - the act of taking and retaining a child or children from a place, or residence, circumstance or condition by a peace officer, a law enforcement official, or an agent of a duly incorporated society for the prevention of cruelty to children, a designated employee of a city or county department of social services or a physician employed by a hospital or similar institution, treating a child, without the consent of a parent or guardian whether or not additional medical treatment is required, if such person has reasonable cause to believe that the circumstances or conditions of the child is such that continuing in his place of residence or in the care and custody of the parent or guardian presents an imminent danger to the child's life or health. The child must be brought to a place approved for such purpose by the local social services department, unless the person is a hospital physician treating the child and the child is or will be presently admitted to a hospital. The hospital physician is required to notify the person in charge of the hospital that he has taken protective custody of the child and requires such person to then become responsible for the further care of the child. Where a child is taken into protective custody a petition must be filed on the next regular week day session of the family court for the child to remain in protective custody.

(1)

(2)

(3)



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Rehabilitative Service - means those services necessary to safeguard and ensure the child's well-being and development and to preserve and stabilize family life, including but not limited to preventive services and protective services for children provided, however, that no activity relating to the receiving of reports, the investigation of reports or the determination as to whether a report is indicated or unfounded is considered a rehabilitative service (although such services may be provided during the investigative period).

Residential Care (SSL 412.7) - means:

- (a) foster care provided to a child whose care and custody or custody and guardianship has been transferred to a social services official and such care is provided in a group home or child care institution;
- (b) care provided a child in a facility or program operated or certified by the state division for youth pursuant to article nineteen-G or nineteen-H of the executive law, excluding foster family care;
- (c) care provided a child in the New York State school for the blind or the New York State school for the deaf, pursuant to the provisions of articles eighty-seven and eighty-eight of the education law;
- (d) care provided a child in a private residential school which is within the state and which has been approved by the commissioner of education for special education services or programs;
- (e) care provided in institutions for the instruction of the deaf and the blind which have a residential component, and which are subject to the visitation of the commissioner of education pursuant to article eighty-five of the education law;
- (f) care provided through a residential placement of a child with a special act school district listed in chapter five hundred sixty-six of the laws of nineteen hundred sixty-seven, as amended; or
- (g) care provided a child in a residential facility licensed or operated by the office of mental health or the office of mental retardation and developmental disabilities, excluding family care homes.

Society for the Prevention of Cruelty to Children - private, not for profit incorporated agencies which perform child protective functions.

Some Credible Evidence - evidence which is worthy or capable of being believed.

Subject of the Report (SSL 412.4) - means any parent of, guardian of, custodian of, or other person legally responsible for a child reported to the Central Register of Child Abuse and Maltreatment who is allegedly responsible for causing injury, abuse or





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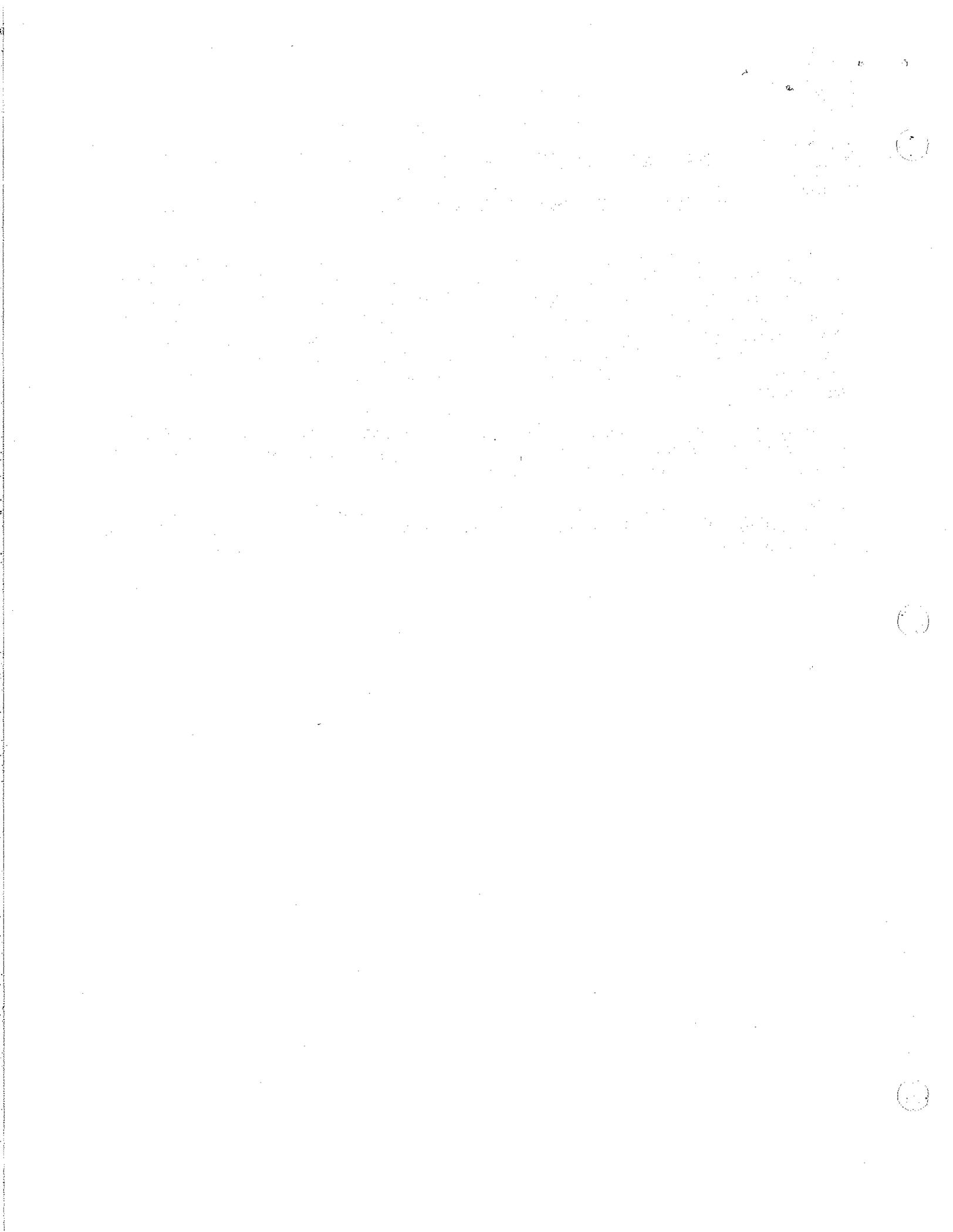
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maltreatment to such child or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child or an operator of or employee or volunteer in a home operated or supervised by an authorized agency, the Division for Youth, or an office of the Department of Mental Hygiene or in a family day-care home or a day-care center or a day services program who is allegedly responsible for causing injury, abuse or maltreatment to a child who is reported to the Central Register of Child Abuse or Maltreatment or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child.

Subsequent Report - a report on a separate incident of suspected child abuse or maltreatment involving the same child(ren) or family already under investigation or actively in receipt of continued services.

Unfounded Report (SSL 412.10) - any report made pursuant to this title unless an investigation determines that some credible (believable) evidence of the alleged abuse or maltreatment exists.





CHILD PROTECTIVE SERVICES

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CHILD PROTECTIVE PROCESS

STANDARDS

5. Contact with law enforcement.

5. The District Attorney immediately receives telephone notice and copies of reports involving the death of a child. In addition, telephone notice and a copy of any or all reports shall be forwarded by CPS to the appropriate District Attorney if a prior written request has been submitted by the DA to CPS.

Information contained in the reports may be made available to the following law enforcement agencies: an officer of the State Police or New York City Police if such officer certifies he/she is participating in an investigation of the subject of the report and the investigation is reasonably related to the allegations contained in the report; an officer of a city (other than NYC), county, village or town police department when such officer is participating in an investigation of the subject of the report, such investigation is reasonably related to the allegations contained in the report and the social services district includes in its Consolidated Services Plan that such agency is entitled to receive information.

Information may also be shared with the police when: a child is before the police and there is reasonable suspicion that the child is abused or maltreated and information in the report is required to determine whether to place the child in protective custody; a court order permits; a client consents.





CHILD PROTECTIVE SERVICES

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CHILD PROTECTIVE PROCESS

STANDARDS

5. Contact with law enforcement (cont'd.)

5. In those cases in which an appropriate offer of service is refused and the child protective service determines, or if the services for any other appropriate reason determines that the best interests of the child require Family Court or criminal court action, it shall initiate the appropriate Family Court proceeding or make a referral to the appropriate district attorney or both. (Section 424.10, Social Services Law.)

6. Bringing the case to Family Court (other than emergency removals).

6. The authority and remedies of the Family Court are needed to protect the child such as: order of protection or investigation, placement, supervision with conditions, order to obtain medical services, or to stay, modify, set aside or vacate an order.

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