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Administrative Directive

Transmittal:	07-OCFS-ADM-15
To:	Commissioners of Social Services, Executive Directors of Voluntary Authorized Agencies
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	December 13, 2007
Subject:	Xctasy's Law; Chapter 513 of the Laws of 2007
Suggested Distribution:	Directors of Service Child Protective Services Supervisors Child Welfare Supervisors Legal Staff Staff Development Coordinators Voluntary Agency Program Directors
Contact Person(s):	See page 4
Attachments:	No
Attachment Available Online:	n/a

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
			Chapter 513 of the Laws of 2007 NYS SSL 413		

I. Purpose

The purpose of this Administrative Directive (ADM) is to advise local departments of social services (LDSS), voluntary authorized agencies and other service providers of the enactment of Chapter 513 of the Laws of 2007,

commonly referred to as Xctasy's Law. Chapter 513 amends Section 413 of the Social Services Law (SSL) and directly impacts local department of social services (LDSS), voluntary authorized agency and certain other service provider staff with regard to the reporting of suspected child abuse or maltreatment to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR). This act became effective on October 14, 2007.

II. Background

Under previous law, Section 413 of the SSL required social services workers and other mandated reporters to report or cause a report to be made to the SCR when they had reasonable cause to suspect that a child coming before them in their professional or official capacity was an abused or maltreated child, or when they had reasonable cause to suspect that a child was an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child came before them in their professional or official capacity and stated from personal knowledge facts, conditions or circumstances which, if correct, would have rendered the child an abused or maltreated child.

Chapter 513 (Xctasy's Law) amended the above requirements as outlined below.

III. Program Implications

Chapter 513 of the Laws of 2007 amends Section 413 of the SSL effective October 14, 2007, to require that "social services workers" make a report whenever they have reasonable cause to suspect that a child has been abused or maltreated where any person comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would mean that a child has been abused or maltreated.

To reiterate, under the law prior to October 14, 2007, the mandated reporter responsibility arose only where the child or a parent, guardian, custodian or other person legally responsible for the child comes before the social services worker in his or her official capacity and provides such information. Chapter 513 changes that standard so that the mandated reporter responsibility applies when a child, parent, guardian, custodian, other person legally responsible for the child, *or any other person appearing before the social services worker* comes before the mandated reporter in his or her professional or official capacity and states facts, conditions or circumstances based on personal knowledge sufficient to give the social services worker a reasonable cause to suspect child abuse or maltreatment. This change would affect only social services workers. For all other categories of mandated reporters, the reporting standard has not changed.

The question this raises is the meaning of the term "social services workers." The New York State Office of Children and Family Services (OCFS) has determined that the term applies to the following categories of persons:

1. Professional and paraprofessional staff of local social services districts. This would include not only child welfare staff but all professional and paraprofessional local district staff, regardless of their function or area of responsibility, who provide services to children and/or families. It would, for example, include Medicaid staff, public assistance staff and adult protective services workers.
2. Professional and paraprofessional staff that provide services to children and/or families, who work for organizations or entities that have contracts with local social services districts to provide services related to foster care, adoption or preventive services. It would also apply to individuals who have contracts or subcontracts with the district to supply professional or paraprofessional services related to foster care, adoption or preventive services.
3. OCFS regional office staff that have responsibilities for inspections or investigation of complaints at residential facilities and day care programs, other than those staff whose sole responsibility is to inspect facilities and investigate complaints related to physical plant or building safety issues.

For this purpose, paraprofessionals would be trained aides who provide support and assistance to professionals in carrying out the professional functions of the professional person.

OCFS considers Chapter 513 of the Laws of 2007 to cover staff of whatever agency or agencies, on the local level, that are considered to be part of the LDSS. If the LDSS is divided into two agencies, such as in New York City [Administration of Children's Services (ACS) and Human Resources Administration (HRA)], Chapter 513 would cover the staff and functions included in both such agencies. Further, if the LDSS includes staff and functions that OCFS would not normally consider part of the LDSS (e.g., youth bureau staff), then OCFS would nevertheless consider them as "social services workers" for this purpose.

IV. Required Action

LDSS commissioners should notify all professional and paraprofessional staff of organizations or entities that have contracts with local social services districts to provide services related to foster care, adoption or preventive services of the provisions contained in Chapter 513 of the Laws of 2007. Notification should also be made to individuals who have contracts or

subcontracts with the district to supply professional or paraprofessional services related to foster care, adoption or preventive services.

IV. Contact Information

Programmatic questions should be directed to the appropriate Regional Office, Division of Development and Prevention Services:

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V. Effective Date

Chapter 513 of the Laws of 2007 became effective on October 14, 2007. The provisions contained in this administrative directive are therefore effective immediately.

/s/ Nancy W. Martinez

Issued By:

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Title: Director

Division/Office: Strategic Planning and Policy Development