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:

BRO – Mary Miller (716) 847-3145
   User ID: Mary Miller@ocfs.state.ny.us
RRO - Linda Kurtz (585) 238-8201
   User ID: Linda.Kurtz@ocfs.state.ny.us
SRO - Jack Klump (315) 423-1200
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ARO – Glenn Humphreys (518) 486-7078
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YRO - Pat Sheehy (914) 377-2080
   User ID: Patricia.Sheehy@ocfs.state.ny.us
NYCRO – Patricia Beresford (212) 383-1788, ext. 4708
   User ID: Patricia.Beresford@ocfs.state.ny.us
Native American Services – Kim Thomas (716) 847-3123
   User ID: Kim.Thomas@ocfs.state.ny.us

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