



Reporting Child Abuse and Neglect: A Guide for Educators

In October 2007, NYS Social Services law was amended to require **all** mandated reporters to report to the New York State Central Registry (SCR) when they have reasonable cause to suspect that a child before them in their professional capacity has been abused or maltreated.

Mandated reporters in a school setting include, but are not limited to, school officials, teachers, guidance counselors, psychologists, social workers, nurses, administrators and other school personnel required to hold a teaching or administrative license or certificate.

The law requires that the mandated reporter with direct knowledge (e.g., the classroom teacher) of the allegations make the report to the SCR **immediately**.

CAPS hopes this publication will facilitate the process of handling disclosures and reporting suspected cases of child abuse for **all** mandated reporters in schools.

We have compiled some of the most frequently asked questions and concerns from Long Island educators. We hope that these responses and related information are helpful to you as you navigate this vital process.

Handling Disclosures

I don't feel I have the skills required to interview a child.

You are not expected to conduct an in depth interview of a child. If you do feel you need a little more information, then the basic “who, what, when and where” questions might be a good guideline for questioning a child before you make a decision to call in a report. This should not be an interrogation - *you need only enough information to make your call and to justify your reasonable cause to suspect abuse or maltreatment*. If a child directly discloses, you do not need more than that to call. Common practice advises the following:

- Express your belief that the child is telling the truth
- Avoid leading questions or strong reactions to what the child is telling you, since these may inhibit the child from disclosing.
- Do not try to determine or investigate whether the allegation is valid or invalid. Do not call the parent.
- Consider the expression “less is more,” particularly if you are unsure about how far to go with your questions for the child. ***Too much may risk procedural errors and interference with any subsequent investigation.***
- If the child recants, make the call anyway and tell the representative about the child recanting.

Calling In a Report

The actual process of calling in a report to the SCR is as follows:

- Dial the Mandated Reporter Hotline Number 1-800-635-1522
- Press 2 for “calling about a child or children you believe to be abused or maltreated”
- Press 1 for “If you are calling as a school official or Teacher”
- A CPS specialist will answer. Identify yourself and the nature of your suspicion. Share the information you have regarding the child’s situation. If the child has recanted, you can state this to the representative.
- The CPS specialist will ask for details. Be prepared to provide: names, ages, relationships of everyone living in the home, address of the home, and phone numbers. You should answer, to the best of your knowledge. Missing pieces can be filled in by other school personnel afterwards.
- When asked to give your name and contact information, *give them the SCHOOL’S address and phone #, not your personal contact info.*
- You will be asked to give the names of anyone else in the school who is aware of the situation. You should give this information as well.
- Write down the Call ID # given to you by the CPS specialist.
- You must alert your school’s administration once a report has been called in, and provide them with the Call ID# so that the paperwork can be completed, with form LDSS 2221-A.

The above is a compilation of procedures used by school personnel on Long Island.

Do you need proof of abuse or neglect to make a report?

You need only reasonable cause to suspect abuse or neglect in order to make a report. If a child discloses to you that he/she is being abused, or if you have reasonable cause to suspect abuse, you should make the phone call to the State Central Registry. The person you speak with there will determine whether the case is reportable.

Why can’t the school social worker or principal make the call to the SCR?

If you are the first to suspect abuse, or if a child discloses directly to you, you must personally make the call to the State Central Registry as soon as you can.

You **are** permitted to, but **do not have to** consult with anyone before making a report. Having someone assist you in calling in a report for the first time, e.g. the school social worker, nurse or assistant principal, might be a good way to become more comfortable with the process. Either way, you must *alert your administration immediately after making the report.*

If immediacy of reporting is critical, who will cover my class and provide me with a telephone and PRIVACY while I make my call to CPS?

Accommodating a teacher’s need for privacy and coverage to make the call varies greatly from school to school. Many classrooms are now equipped with telephones, so the teacher can use the

phone to request classroom coverage for the purpose of making a call to report suspicion of abuse. If you do not have a phone in your classroom, you can request coverage as soon as possible so that you can get to a phone to make the call.

Indicators of Abuse/Neglect

Is corporal punishment allowed in New York State?

Physical correction of a child is permitted in New York State, but excessive corporal punishment is not allowed, and must be reported. There is no one definition of “excessive.” Most professionals agree that if there is a mark or bruise, then that constitutes excessive physical discipline, and should be reported. Perhaps the following¹ will help you to decide what “crosses the line,” thus establishing reasonable cause to suspect and report abuse:

- What is the child’s capacity to understand the corrective quality of the discipline?
- Is the punishment unnecessarily degrading to the child?
- Was the punishment inflicted for gratification of the parent’s rage?
- Was the punishment brutal?
- Did the punishment last for such a time that it surpassed the child’s power of endurance?
- What is the form of punishment?
- What is the purpose of the punishment?
- What did the child do to warrant such punishment?
- Can this punishment cause serious injury?

At what point is parental alcohol abuse/substance abuse a reportable concern?

Alcohol and drug abuse by parents become a concern when the parent’s ability to exercise a minimum degree of care compromises the health and safety of their child, or puts them in imminent danger. For instance, if there seems to be a causal connection between the misuse of drugs or alcohol and any of the following, it should be reported:

- the child is not adequately fed or clothed;
- the child is not attending school regularly, or is chronically late
- the child is not receiving medical/dental care
- excessive corporal punishment is being inflicted on the child

What constitutes educational neglect?

Parents have a legal obligation to send their children to school on a full-time basis.

There are three necessary elements to making a report of educational neglect:

- excessive unexcused absence from school;
- a parent who is or should be aware and is failing to address the issue (failing to provide a minimum degree of care;) and
- educational impairment or harm to the child.

If you have reasonable cause to suspect the above, it should be reported.

Student absenteeism may also be an indicator of other forms of underlying abuse or maltreatment in the home.

(Truancy - the child's nonattendance beyond their parents' control - is different.)

What age can a child be left at home?

There is no one answer to this question, because each child develops at his/her own rate. Some children are responsible, intelligent, and independent enough to be left alone at 12 or 13 years of age, and some teenagers are too irresponsible or have special needs that limit their ability to be safe if they are left alone.

Below are some issues for parents and caregivers to consider (*this is not an all-inclusive checklist, but will contribute to the process of making thoughtful, intelligent decisions regarding a child's safety*):

- How comfortable is the child with the circumstances?
- What has the child done in the past to show that he/she is able to take on this kind of responsibility?
- Does the child know how and when to contact emergency help?
- Can the child meet his/her own needs for the period of time being left alone (food preparation, toileting, etc.?)
- Where will the child be, and for how long?
- Is there an emergency contact readily available?
- Is the environment safe?
- Is the child responsible for other younger children? (*If so, **their** needs must be considered – a child might be able to stay alone for a period of time, but may not be able to responsibly care for a younger child during that same period, under the same circumstances.*)

Keep in mind, young children should never be left home alone.

What about the grey areas?

It is sometimes difficult to determine if certain behaviors and conditions observed in a child are reportable. There might be some suspicion – something doesn't seem "right," but it is unclear to you whether or not to call in a report. When faced with "grey areas," consulting with other professionals in the building might be helpful.

The law states that FAILURE TO provide a "minimum degree of care" to a child is basis for reasonable cause to suspect child abuse and neglect. What do we mean by this? Your answers to the following two questions² may help to guide you:

- Does the care of the child fall below commonly accepted community standards? The deviation must be clear and should not be the product of reasonable differences in culture or lifestyle.
- Has the child's physical or mental condition been impaired or is it in danger of being impaired?

In some cases, there is opportunity for an observant school professional to begin working with a family early on to help them access services and parent education before the situation warrants a report of maltreatment or abuse. These grey areas are often signs or symptoms of other issues that could benefit from helpful intervention, e.g. parenting classes, referral to services, information and resources.

Why don't we inform non-English speaking parents about the laws of this country – in different languages?

It is up to individual schools and communities to welcome and engage **all** who live and work in their midst. After all, these are the parents and caregivers of the children we see and care for every school day. Why not inform everyone about the laws pertaining to the care of their children, as a regular part of our efforts to keep all of our children safe? With so many factors which may contribute to a parent's challenges and struggles – socioeconomic status, culture, language, mental health issues – it would do our children, schools and communities a service to reach out to all parents with information and resources early on, to help and educate them about all aspects of parenting.

There are many reliable sources of multi-lingual parenting materials and information, available at no cost, upon request. See the list of resources at the end of this publication.

Personal Concerns

Will the parents/family know I was the one who made a report?

As a mandated reporter your call cannot be made anonymously; however, New York State law provides **confidentiality** to those who make a report. The Office of Children and Family Services and the local Child Protective Services are not permitted to release to the subject of the report any data that would identify the source of the report, unless you, as the reporter, have given written permission for them to do so. Certain individuals (courts, police, DA) may be given information about the source of the report, but only as provided by law.

Will my administrator take retaliatory action against me if I call in a report prior to notifying him/her?

It is **illegal** for any medical, public or private institution to take any retaliatory personnel action against an employee who makes a report to the SCR. Prior approval/notification is not legally required before making a report. You must, however, alert the designated school official/administration after you have made the call.

Can I be sued for reporting?

All states grant immunity from civil and criminal liability to people who report *in good faith*, which in most states is presumed. “Good faith” simply means that you are reporting out of concern for the welfare of the child. These immunity provisions protect reporters, and make it very difficult for lawsuits to succeed, unless the reporter has been reckless or malicious in making the decision to report.

Can I be sued for not reporting?

If you are a mandated reporter and fail to report a suspected case of child abuse or maltreatment, you could be charged with a Class A misdemeanor and subject to criminal penalties. Further, mandated reporters can be sued in a civil court for monetary damages for any harm caused by the mandated reporter’s failure to make a report to the SCR.

Conclusion

CAPS believes that we all have a role to play in *keeping kids safe from harm*. Our grant from the NYS Children and Family Trust Fund, “Keeping Kids and Families Safe from Abuse,” underwrites support to Long Island schools and communities through our classroom program, Safety Rules!, professional staff development, and bi-lingual child abuse prevention programs for parents, with accompanying materials and resources in both English and Spanish.

RESOURCES

Mandated Reporter Trainer’s Resource Guide 2009, NYSOCFS; Summary Guide for Mandated Reporters in New York State; Sample form LDSS-2221-A: www.ocfs.state.ny.us

For information, resources and parent education materials in English and Spanish:

National Center for Missing and Exploited Children www.missingkids.com

New York State Children and Family Trust Fund www.ocfs.state.ny.us

Prevent Child Abuse New York www.preventchildabuse.ny.org

To request Safety Rules! Parent-Child Activity Booklet English and Spanish version, and other CAPS program information:

Child Abuse Prevention Services (CAPS) www.capsli.org

¹ Mandated Reporter Trainer’s Resource Guide 2009, NYSOCFS

² Besharov, D.J. *Recognizing Child Abuse: A Guide for the Concerned* (New York: Free Press, 1990).

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