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	<i>Subject</i> 143.0 Mandated Reporting of Child Abuse and Neglect	
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Mandated Reporting of Child Abuse or Neglect

143.1 PURPOSE


This policy is designed to provide guidance to members of the New Paltz Police Department regarding the mandatory reporting of child abuse or neglect, reporting procedures and obligations of persons required to report, provisions for taking a child into protective custody, mandatory reporting of deaths, immunity from liability, penalties for failure to report, and obligations for the provision of services and procedures necessary to safeguard the life or health of the child.

143.2 POLICY

All law enforcement officers are mandated reporters and as such have an affirmative obligation to personally report or cause a report to be made when there is reasonable cause to suspect a child is being abused or maltreated. When a report of possible child abuse or maltreatment is made, law enforcement officers will work collaboratively, as necessary, with their local child protective services to increase the safety of a child who has been harmed or is at risk of harm.

143.3 DEFINITIONS

- A. Child – A person actually or apparently under the age of eighteen years as defined in NYS Social Services Law § 371.
 - 1. Abused Child – A child whose parent or other person legally responsible for the child’s 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

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iii. commits or permits an offense against a child, including a sex offense, prostitution, incest, sexual performance by a child or human trafficking.

2. Maltreated Child – As defined in NYS Social Services Law § 412(2), a child who has had serious physical injury inflicted upon oneself by other than accidental means or meets the definition of a neglected child pursuant to the Family Court Act to include a child:


- 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 the child’s parent or other person legally responsible to exercise a minimum degree of care:
 - 1. in supplying the child with adequate food, clothing, shelter, education or medical care; or
 - 2. 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 there is loss of self-control of actions.

B. Mandated Reporter – Anyone employed in New York State who is required to report includes, but is not limited to, peace officers; police officers; district attorneys or assistant district attorneys; investigators employed in the office of a district attorney; or other law enforcement officials.

C. Minimal Facts Interview – An interview of a child conducted by a first responder – when another individual such as a supportive caregiver or other person involved cannot provide enough information – designed to minimize the risk of contaminating the investigation prior to a forensic interview of the child, when critical information must be obtained from a child to ensure the safety of the child and other potential victims.

D. Imminent Danger – Refers to a reasonable cause to believe an immediate danger to the child’s life, safety, or health exists should the child remain in their place of residence, condition, or situation.

E. Persons Legally Responsible – A 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

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the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.


- F. Parent – A person who is recognized under the laws of the state of New York to be the child's legal parent.

143.4 REPORTING CASES OF SUSPECTED ABUSE OR MALTREATMENT OF CHILD

- A. Mandated reporters shall in good faith report or cause a report to be made when in their professional or official capacity they have reasonable cause to suspect:
1. A child coming before them is an abused or maltreated child; or
 2. A parent, guardian, custodian or other person legally responsible for such child comes before them and states from personal knowledge, facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child.
- B. Any person, official or institution who are mandated by law to report a case of suspected child abuse or maltreatment and willfully fails to do so can be held criminally and civilly liable.

143.5 COMMON REASONABLE CASE INDICATORS

- A. Physical abuse:
1. Injuries such as, but not limited to the torso, ears, neck, eyes, mouth and face;
 2. Frequent injuries of any kind (bruises, cuts, and/or burns at any stage of healing), especially if the child is unable to provide an adequate explanation of the cause, including infants too young to crawl and pull up. These may appear in distinctive patterns such as grab marks, human bite marks, cigarette burns, or impressions such as linear marks caused by being hit by an object.
- B. Sexual abuse:
1. Symptoms of sexually transmitted diseases;

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2. Injury to genital area;
3. Difficulty and/or pain when sitting or walking;
4. Sexually suggestive, inappropriate, or promiscuous behavior or verbalization;
5. Expressing age-inappropriate knowledge of sexual relations;
6. Sexual victimization of other children.

C. Maltreatment:


1. Obvious malnourishment, listlessness, or fatigue;
2. Stealing or begging for food;
3. Untreated need for glasses, dental care, or other medical attention;
4. Child inappropriately left unattended or without supervision.

D. Additional indicators may include changes in a child’s demeanor such as:

1. Destructive, aggressive, or disruptive behavior.
2. Passive, withdrawn, or emotionless behavior.
3. Fear of going home or fear of someone residing in the home.


143.6 REPORTING PROCEDURE

- A. Provide any immediate aid to the child, if necessary.
- B. Notifications;

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1. Initial responding officers will make notification to the on-duty Sergeant or OIC if there is no Sergeant working. The on-duty Sergeant should respond to the scene, assess and make notification to the Lieutenant and Detective Sergeant.
2. The officer handling the case will make oral report to the Statewide Central Register of Child Abuse and Maltreatment (SCR) at (800) 635-1522. The officer shall document their contact in their case supplemental report in LERMS.
 - i. Depending upon the circumstances of the call for service, the Lieutenant and/or Detective Sergeant may make additional notification to the Ulster County Family and Child Advocacy Center (FCAC).
3. The case officer will prepare and submit a NYS Office of Children and Family Services Report of Suspected Child Abuse or Maltreatment to the local department of social services' CPS as soon as possible. A copy of the report should be entered into the LERMS case.
4. If the alleged perpetrator cannot be the subject of a report because the individual is not a parent or other person legally responsible for the child and there is reasonable cause to believe that the alleged acts or circumstances against a child described may constitute a crime or pose an immediate threat to the child's health or safety, the Department will provide necessary aid or assistance to the child and contact the FCAC and/or the Ulster County District Attorney's Office to assist with investigatory and safety steps.


- C. After making a report that initiates an investigation of an allegation of child abuse or maltreatment, the Department will comply with requests by CPS for records that are essential to a full investigation of such report. This may include photographs, video and other evidence collected by the investigating members.
- D. The Lieutenant and/or Detective Sergeant shall immediately notify the Ulster County District Attorney's Office if there is reasonable cause to believe that child died as a result of abuse or maltreatment. Additional notifications may include, but are not limited to; the FCAC and the New York State Police FIU.
- E. In addition to the notifications outlined in 143.6 (B)(C)(D)(E), any report received by the New Paltz Police Department of an actual or attempted abduction or molestation shall notify the New York State

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Violent Crimes Analysis Program (ViCAP), via the requirements of the eJusticeNY Integrated Justice Portal of such report. This will prompt a comparison of data in its files of any similarities to other reports received by the ViCAP program.

142.7 TAKING A CHILD INTO PROTECTIVE CUSTODY

- A. Prior to taking any child into protective custody, the officer handling the case, the on-duty sergeant and the Lieutenant and/or Detective Sergeant will make all necessary notifications and a reasonable effort to contact the local CPS unit to handle the removal of the child. Members will not remove a child, absent CPS, without the assistance of the Ulster County District Attorney’s Office and FCAC.
- B. If a parent or legal guardian of the child who is not a subject of the report is present, members may make a determination to release the child into said parent or legal guardian’s custody. This determination should be based on an assessment of the parent or legal guardian’s ability to keep the child safe from the subject of the report as well as any other factors that may suggest taking the child into protective custody is the appropriate action.
- C. Officers shall only take a child into protective custody if they have reasonable cause to believe that the circumstances or condition of the child are such that the child continuing in their place of residence or in the care and custody of the parent, guardian, custodian or other person responsible for the child's care presents an imminent danger to the child's life or health. Members will make all required notifications before taking a child into protective custody.
- D. If time is a factor, members may take a child into protective custody without CPS present if:
 - 1. Members have obtained a court order authorizing such action; or
 - 2. There is reasonable cause to believe the child is in imminent danger and there is not time enough to apply for a court order; or
 - i. If there is time, notification should be made to the Ulster County District Attorney’s Office. If there is not time, notification should be made to the Ulster County District Attorney’s Office as soon as it is safe to do so.
 - 3. You have written consent from the parent or legal guardian.

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E. In addition to making the required notifications and request for assistance, the following measures shall be taken to protect a child’s life or health when it is necessary for the Department to remove a child from imminent danger without the presence of CPS.

1. Bring the child immediately to a place approved for such purpose by the local social services department unless the child is in need of immediate medical assistance.
2. Make every reasonable effort to inform an uninvolved parent or other person legally responsible for the child's care of the facility to which you have brought the child.
3. Give, with removal, written notice to the parent or other person legally responsible for the child's care of their right to apply to the family court for the return of the child.
4. Complete a case supplemental in LERMS documenting the decision to place the child in protective custody including the name of the person making the decision and the reasoning for placing the child into protective custody.

143.8 INTERVIEWING A CHILD OF SUSPECTED ABUSE OR MALTREATMENT

A. A child suspected of abuse or maltreatment shall be interviewed by a certified forensic interviewer. Arrangements will be made with Ulster County FCAC to interview the child at the FCAC, an appropriate venue, by a certified forensic interviewer. However, there may be instances where a member must speak with a child including but not limited to:

1. When the child comes directly to the member and begins to disclose the abuse. In this instance, do not stop the child.
 - i. In this situation, the member should listen to the child without interruption and the disclosure should be documented in the child’s words.
2. When you absolutely cannot gather needed information from other sources.
3. When the health and safety of the child is at imminent risk.

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- B. If an interview by personnel not trained in forensic interviewing is absolutely needed to obtain information for ensuring the safety of the child and potential victims, document the need and conduct a Minimal Facts Interview.
- C. In cases of suspected abuse or maltreatment, an in-depth forensic interview shall be conducted, when possible, at the Ulster County FCAC by certified Forensic interviewers who are part of a Multi-Disciplinary Team. This will minimize the number of times a child victim is called upon to recite events.
- D. All child victims should be interviewed in a private setting as prescribed by law.

143.9 MEDICAL EXAMINATIONS

- A. All cases involving the unexplained or suspicious death of a child shall be investigated as a suspected case of child abuse or maltreatment.

143.10 TRAINING

- A. All members shall receive a copy of this policy explaining the reporting requirements as a mandated reporter of child abuse and maltreatment.
- B. Members shall complete regular mandated reporter training regarding around child abuse/maltreatment and interview techniques. Training will involve newly hired members of the agency as well as ongoing in-service training to reflect changes in policy and law. Training resources can be found;
 - a. The New York State Office of Children and Family Services maintains online resource center that can provide online training, resources and FAQs for law enforcement in New York State.
 - b. Mandated Reporter Training <http://nysmandatedreporter.org/Default.aspx>
 - c. The New York State Division of Criminal Justice Services provides an online training designed at understanding and responding to child abuse allegations <http://criminaljustice.ny.gov/ops/training/other/Child-Abuse-Training/story.htm>