

## What is Child Abuse?

Generally, the term abuse encompasses the most serious harms committed against children. An "abused child" is a child whose parent or other person legally responsible for his/her care inflicts upon the child serious physical injury, creates a substantial risk of serious physical injury, or commits an act of sex abuse against the child. Not only can a person be abusive to a child if they perpetrate any of these actions against a child in their care, they can be guilty of abusing a child if they allow someone else to do these things to that child.

Child Abuse is defined in law at Section 412 of the Social Services Law and at Section 1012 of the Family Court Act.

## What is Child Maltreatment?

Maltreatment refers to the quality of care a child is receiving from those responsible for him/her. Maltreatment occurs when a parent or other person legally responsible for the care of a child harms a child, or places a child in imminent danger of harm by failing to exercise the minimum degree of care in providing the child with any of the following: food, clothing, shelter, education or medical care when financially able to do so. Maltreatment can also result from abandonment of a child or from not providing adequate supervision for the child. Further, a child may be maltreated if a parent engages in excessive use of drugs or alcohol such that it interferes with their ability to adequately supervise the child.

Neglect is defined in law at Section 1012 of the Family Court Act. Maltreatment is defined in law at Section 412 of the Social Services Law. Although the terms are not synonymous in the law, for the purposes of this brochure, the terms neglect and maltreatment are used interchangeably.

## Child Abuse and Neglect Reporting Procedures 2021-2022



Any professional staff member of the district **must personally report\*\*** any situation in which he or she suspects that a child may be abused or maltreated, in accordance with Chapter

193 of the NYS Social Services Law. The investigation, reporting and follow-up of a suspected child abuse or maltreatment case will take precedence over all other duties and responsibilities. \*\*See #5 in reporting procedures.

## Reporting Procedures:

1. Complete a CPS report using DSS-2221A form. Forms are available in building main offices, with school social workers, psychologists, guidance counselors, or online. It is suggested that the DSS-2221A form be completed **before** making the phone call to expedite the process once the call is received.
2. Call the hotline (Mandated Reporter Number: 1-800-635-1522). The building principal, school nurse social worker or psychologist will assist staff in following the reporting procedures, including the telephone report made directly to Albany.
3. The reporter will receive the name of the individual taking the report while on the telephone. Write the name of the individual ABOVE the "Call ID" section.
4. If a report is attempted but not taken, make a notation ABOVE the "Call ID" section identifying the name of the individual, the date and time and note Not Accepted. The form for reports NOT accepted shall be placed in a confidential locked file for future reference if needed.
5. **\*\*Only ONE** report from the school should be made regarding a suspected incident, but the name, title and contact information for every staff person having direct knowledge of the allegation(s) contained in the report should be listed on the written report.
6. Inform the principal that a report has been made.
7. Within 48 hours, the original DSS-2221A form must be sent to the local office of the Department of Social Services (Address: Cortland County D.S.S., CPS, 60 Central Ave., Cortland, NY, 13045.)
8. A copy of the completed report must be maintained in a confidential locked file within the building.
9. Copies no longer need to be sent to the Assistant Superintendent for filing.
10. A principal, school nurse, social worker, school counselor or psychologist will act as the liaison for district contact with the local CPS while the investigation is ongoing.
11. Within 60 days, the mandated reporter who made the call will receive a follow-up determination letter. Staple the letter to the copy of the DSS-2221A report and see that it is placed in the student's confidential file (This is NOT the cumulative file maintained in the main office of a school. The school secretary will inform the reporter where confidential files are maintained.)

## Interviews on School Property:

1. In the event that DSS needs to interview a student during the school day\*, a DSS caseworker will call in advance to schedule a time. \*(DSS will limit the interviews conducted during the school day to those which are required to be performed at the school rather than at the child's home or other location.)
2. The DSS caseworker will contact one of the following school personnel to schedule a student interview: principal, social worker, psychologist and/ or nurse. Direct contact is required. Messages identifying an interview time left on voice mail or with a building secretary will not be honored.
3. Interviews will be scheduled to minimize disruption to the student's educational day as determined by school personnel.
4. Law enforcement will not be permitted to participate unless required by DSS under Social Services Law.
5. School personnel will be in attendance subject to the individual's professional judgment. School personnel may attend, but not participate in the meeting.
6. Following a report made by a school staff member, information released to the DSS case worker by school personnel is limited to that which is directly related to the allegations in the report until such time as the parents/guardians give permission to release additional information.
7. Information requested for cases not reported by the school, or not specific to the school report, will require a signed consent for release. The release will specify information for which consent is provided to release.
8. The Department of Social Services Request for Interview of Student form is **No Longer Required** for an interview to occur during the school day. The State issued new regulatory changes and attorneys have provided guidance that **no forms be required for CPS investigators to interview children at school during the school day. The regulatory language is specific that CPS workers may not be asked for or required to provide any information or documentation other than their identification and the identity of the child to be interviewed.**

## Removal of a Child to Child Protective Custody:

A CPS worker may not remove a student from district property without a court order unless the worker reasonably believes that the student would be subject to danger of abuse if he or she were not removed before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

## Confidentiality of Reports:

Reports of suspected child abuse, neglect, and/or maltreatment are confidential and may only be made available to those individuals or groups specified by law.

## Contact Information:

Mandated Reporter Number: 1-800-635-1522

Local Office of the Department of Social Services:

Cortland County D.S.S.  
Child Protective Services  
60 Central Avenue  
Cortland, NY 13045



**Office of Children  
and Family Services**