



## Mandatory Reporting Procedures for Child Abuse and Maltreatment

Under New York State Social Services law and the Family Court Act, all school officials must report suspicions of child abuse and maltreatment when they have reasonable cause to suspect that a parent or legal guardian of a child coming before them in their official or professional capacity has abused or maltreated the child. All school officials include but are not limited to, teachers, coaches, guidance counselors, school psychologists, school social workers, school nurses, and administrators.

Mandated reporters at Haven Charter High School are not required to seek the consent or approval of their supervisor or anyone else at the School before making a call to the State Central Register of Child Abuse & Maltreatment (the "SCR"). The School's Administrative Council, principal, guidance counselors, social workers, and psychologists are all available, however, to support, consult, and collaborate with the mandated reporter throughout the process of making a report to the SCR, including providing assistance in determining whether a concern is reportable.

The law provides that a mandated reporter who has reasonable cause to suspect abuse or maltreatment as described herein and in the law must personally make a report to the SCR, and notify the Head of School that a report has been made.

### Definition:

An "abused child" is a child less than 18 years of age whose parent or other person legally responsible for his or her care:

1. Inflicts or allows to be inflicted upon the 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
2. 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
3. Commits a sexual offense against the child or allows a sexual offense to be committed. Such sexual offenses are described in the New York State Penal Law and include but are not limited to sexual misconduct, rape, criminal sexual act, forcible touching, persistent sexual abuse, sexual abuse, aggravated sexual



abuse, course of sexual conduct against a child, female genital mutilation, facilitating a

4. sex offense with a controlled substance, promoting prostitution, incest, or allowing a child to engage in a sexual performance (pornography).

The term injury includes but is not limited to bruises, welts, broken bones and other serious injuries, injuries which cause or would be likely to cause protracted impairment of physical or emotional health, and injuries which create a substantial risk of or cause death.

#### Definition:

A "neglected child" is a child under 18 years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his or her parent or other person legally responsible for his care to exercise a minimum degree of care:

1. In supplying the child with adequate food, clothing, shelter, education, medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so: or
2. in providing the child with proper supervision or guardianship, or:
3. by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment;
4. or by misusing a drug or drugs;
5. or by misusing alcoholic beverages to the extent that he or she loses self-control of his or her actions; or
6. by any other acts of a similarly serious nature requiring the aid of the Family Court;
7. or by abandoning the child.

#### Procedure:

- A mandated reporter who has concluded, based on what he or she has observed or been told, combined with his or her training and experience, that he or she has reasonable cause to suspect that harm or imminent danger of harm to a child could be the result of an act or omission by the child's parent or other person legally responsible for the child, must report their suspicions to the SCR.



- The toll free mandated reporter hotline for the SCR is 1-800-635-1522. The mandated reporter should ask the SCR specialist for the "Call I.D." number assigned to the report they made if a report is registered.
- In addition to the requirements of New York State law as set out herein, School employees and employees of contracted service providers have a duty under School policy to report suspicions of child abuse or maltreatment committed by anyone, not just a parent or other person legally responsible for the child's care, to a member of the School's Administrative Council or a Designated Trustee. If the alleged perpetrator of the abuse is not a parent or other person legally responsible, pursuant to Haven Charter HS policy, a report must be made to local law enforcement.
- The Head of School or his/her designee must be notified, either in consultation before a call is placed, or promptly thereafter. The Head of School and his or her designated representatives are responsible for subsequent information and follow-up necessitated by the call.
- The Head of School or his/her designee will decide if, and by whom, the student and/or family may be contacted prior to or following the report.
- If the reporter, the Head of School, or his or her designee believes that the release of the child to the family will place the child in imminent danger of harm, an immediate call should be made to 911, so that the police can ensure the safety of the child.
- Within 48 hours after the call to the SCR, the Head of School, Division Head or his/her designated representative must prepare a written report using form LDS-2221-A.
- If after a report has been made to the SCR regarding a specific child, any further information that leads a mandated reporter to have reasonable cause to suspect further or continued abuse, maltreatment or neglect of the same child, another report must be made to the SCR, following the same guidelines.
- HCHS will cooperate with law enforcement and child protective services in any investigation related to child abuse and maltreatment under this policy. Such cooperation includes but is not limited to permitting a student to be interviewed at the School and complying with all requests for records made by local Child Protective Services when such records relate to a report made under this policy, and when such requests for records are made in writing. Parental consent is not required.



- **Unaccepted Reports:** If the report to the SCR is not accepted, the reporter shall document the date and time of the call, as well as the name and telephone number

of the SCR staff person who took the call. A copy of this information should be placed in the child's confidential record.

Failure by mandated reporters to report reasonable suspicions of abuse and maltreatment is punishable as a Class A misdemeanor which can result in a penalty of up to a year in jail, a fine of up to \$1,000, or both. Failing to report may also result in a civil lawsuit for monetary damages. Additionally, such failure is a violation of School policy and therefore will subject a mandated reporter to discipline up to and including termination.