



REVISIONS TO THE CHILD ABUSE REPORTING REQUIREMENTS

Effective October 1, 2007, a revision to Section 413 of the New York Social Services Law requires all “Mandated Reporters” (e.g., physicians, psychologists, registered nurses, social workers, and any hospital personnel engaged in care and treatment of patients), to **personally** report suspected child abuse to the New York Statewide Central Register for Child Abuse and Maltreatment (“SCR”). This is a significant change from the previous requirement to report suspected child abuse to the person in charge of the facility or his/her designated agent (the “Designated Agent”), who was then responsible for reporting to the SCR. For example, in many medical facilities, nurses historically reported incidents of suspected child abuse to the Director of Social Work who in turn reported to the SCR. The law now requires nurses to personally make the report directly to the SCR.

Under the revised Social Services Law, when making the initial report, Mandated Reporters must include the name, title and contact information for any staff person of the institution thought to have personal knowledge of the suspected abuse, in addition to information regarding the child who is believed to be the victim of abuse. After a report has been made to the SCR, the Mandated Reporter must immediately notify the Designated Agent about the report. The Designated Agent is then responsible for all administrative tasks necessitated by the report. The Social Services Law still states that each facility need only make one report, but it is not entirely clear how, if at all, this is expected to be coordinated among various Mandated Reporters.

Additionally, the Social Services Law now expressly prohibits: (1) facilities from imposing on Mandated Reporters any conditions prior to reporting , (e.g., a hospital cannot require that Mandated Reporters obtain approval from, or give notification to, a hospital representative prior to reporting); and (2) any retaliation against, or punishing of, employees with regard to complying with these reporting requirements.

In order to comply with the revised Social Services Law, there will be significant revisions to current practices, policies and training materials. We recommend that such documents and procedures be reviewed for compliance as soon as possible and revised as necessary. If you have any questions regarding these statutory revisions, please feel free to contact any attorney that you deal with at Garfunkel, Wild & Travis.

About Garfunkel, Wild & Travis, P.C.

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