



Subject / Title: Suspected Child Abuse and Maltreatment/Neglect Policy and Procedure

Content Area: Administration

OCFS Regulations #: NYSOCFS 418-1.10(a)-(e), Social Services Law 390

Corresponding Forms #:

- AD8 - F1 Report of Suspected Child Abuse or Maltreatment DSS 2221A form

Purpose: To establish guidelines for handling cases of suspected child abuse and maltreatment/neglect in a manner which accounts for the safety and well-being of children; as well as the welfare and integrity of families.

Procedure:

All calls should be made to: # 800-342-3720 / Hearing Impaired # 800-638-5163

I - Suspected Child Abuse and Maltreatment/Neglect, Sex Trafficking - **involving program participants:**

1. Any staff person with **reasonable cause to suspect** child abuse and/or maltreatment/neglect, and/or sex trafficking will make the Hotline phone call immediately, upon securing classroom coverage. Failure to call may result in disciplinary action. Either before or immediately following the Hotline Call, staff person will notify their direct Supervisor that a report was made/accepted. If direct Supervisor is not available, staff will call the Preschool Director, or the Executive Director.
2. Staff who have made the hotline call will document using DSS 2221A, Report of Suspected Child Abuse or Maltreatment; Staff will thoroughly document evidence of suspected child abuse and maltreatment/neglect, sex trafficking on page 3 of the DSS 2221A Form the same day the event occurs. This entire document must be completed and mailed to the local CPS office within 48 hours.
3. Other staff with direct knowledge must also document using the DSS form and have the right to make a separate call; they too must file DSS 2221A and mail to the local CPS office within 48 hours.
4. A copy of the completed DSS 2221A form must be submitted to the Site Director within 48 hours of making a call and/or the same day it is sent to the local CPS office.
5. All documentation concerning suspected child abuse or maltreatment/neglect, sex trafficking, and/or reports made to the hotline, including final outcome of the charges will be submitted and maintained at Wilkins Road. Copies will not be maintained on site.

6. Individual plans for child safety will be created on a case-by-case basis, as needed, by some combination of the preschool director, site director, teacher, and/or social worker, and with input from CPS/DSS when appropriate. Each Safety Plan will be approved by Preschool director or Executive Director. All staff who provide supervision to the involved child will be informed of plans. Plans will take into consideration, court orders, changes in living arrangements, individuals allowed to pick-up the child, and visitor restrictions, to name a few. Plans will be shared with caretakers as appropriate. OCFS will receive notification of such plans from the preschool or site Director.
7. If CPS/Law Enforcement interviews take place at Racker, a staff person with whom the child is most comfortable may be present to provide support to the child if permitted by CPS/Law Enforcement. An OCFS Representative may be present during interviews as well.
8. Staff may request that a Supervisor be present when they are interviewed by CPS/Law Enforcement, as permitted by CPS or Law Enforcement.

II- Suspected Child Abuse and Maltreatment/Neglect/Sex Trafficking -involving a staff person while at work:

1. Any staff person who witnesses or receives information about an incidence of suspected child abuse, maltreatment/neglect/sex trafficking by a staff person will document the following information and will call the Hotline as soon as safely possible.
 - a. Name of suspected staff member
 - b. Name and date of birth of the involved child.
 - c. Date, time and location of alleged incident
 - d. Specific information about the alleged incident
2. Staff shall notify one of the following before or as soon as a call has been made: their site director, ECS Director, Executive Director or designee of any suspicions of child abuse or maltreatment and whether or not a hotline call has been made, including if the call was accepted.
3. Site director, ECS Director, or designee will notify OCFS of the Hotline call by contacting their Licensor directly. If the Licensor is not available, a message must be left on the Licensor's voice mail. If a message is left for the Licensor, the Director leaving the message will then make an additional call to the OCFS main telephone number (315-423-1202) and will ask to speak with the Licensor of the Day. Site director or ECS Director will inform the Licensor of the Day about the alleged incident and Hotline call.
4. Staff will further document the incident, by completing an ETC regardless of whether the report was accepted and DSS 2221A, Report of Suspected Child Abuse or Maltreatment, if the call was accepted.
 - a. Completed forms for accepted hotline calls must be mailed to the local CPS office within 48 hours.
 - b. A copy of DSS 2221A must be submitted by the caller to Site director, ECS director, or designee within 24 hours if the call was accepted. The ETC must be submitted to Racker management the same day the incident occurs.
 - c. Staff may choose who in management to submit the form to: their Site Director, Preschool Director, or Executive Director as soon as possible but the same day the incident occurs.
5. If the allegation is accepted for investigation, the accused employee will be told of the allegation. A safety plan will be developed for the accused employee during the

investigative process; and may, at the discretion of management, and in consultation with Human Resources, be reassigned during this process. Pending Investigative results, other appropriate actions may be taken including those directed by the investigating oversight agency as well as by Racker's Executive Director, and in consultation with the Director of Human Resources, or designee.

6. If the allegation is not accepted by Child Protective Services for investigation, the accused employee will be told of the allegation. The OCFS Licensor will also be notified of the incident, and that the call was not accepted by CPS. Racker and OCFS will conduct an internal investigation, either jointly or individually, during which a safety plan will be developed to follow during the investigative process; and may, at the discretion of management, and in consultation with Human Resources, be reassigned during this process. Pending Investigation results, appropriate disciplinary actions may be taken by management, up to and including, but not limited to:
 - i. dismissal, suspension or transfer of any employee, volunteer or other person who is the subject of a child abuse or maltreatment report
 - ii. increased supervision over a person who is the subject of a report
 - iii. provision of instruction and/or remedial counseling to a person who is the subject of a report
 - iv. initiation of appropriate disciplinary action where applicable and/or
 - v. provision of appropriate training to and/or increased supervision of staff and/or volunteers pertinent to the prevention and remediation of child abuse and maltreatment.
7. Racker will not retaliate against an employee who in good faith, has made a written protest or raised a complaint against some practice reasonably believed to be in violation of agency codes, violation of laws and regulations; including public policy and mandates concerning health, safety, welfare of families. This applies to any written or verbal protest/complaint raised about the agency that has resulted in a hotline call. (Racker Employee Manual - Whistleblower Policy)

III - For Suspected Child Abuse and Maltreatment/Neglect/Sex Trafficking, involving a staff person- outside of agency program:

1. If an employee is being investigated for the abuse and/or maltreatment/neglect of a child outside the scope of their employment with the agency.
 - a. The employee will not be left alone with children until the investigation is completed.
 - b. In cases where the allegation has been "unfounded" the employee will be required to provide written documentation of such before again being left alone with children.
 - c. In cases where the allegation has been "indicated", Racker management will take appropriate action to ensure program goals, child welfare and safety, and required employment clearances are met, as well as take any disciplinary action up to and including:
 - i. dismissal, suspension or transfer of any employee, volunteer or other person who is the subject of a child abuse or maltreatment report

- ii. increased supervision over a person who is the subject of a report
 - iii. provision of instruction and/or remedial counseling to a person who is the subject of a report
 - iv. initiation of appropriate disciplinary action where applicable and/or
 - v. provision of appropriate training to and/or increased supervision of staff and/or volunteers pertinent to the prevention and remediation of child abuse and maltreatment.
2. If Racker makes a decision not to retain an employee, not to use a volunteer or consultant, or not to permit a person providing goods or services to Racker to have access to children who are being cared for by Racker, Racker must provide a written statement to the employee, volunteer, consultant or other such person, indicating whether the decision was based in whole or in part on the existence of an indicated report from the State Central Register, and, if so, the reasons for such decision. If the decision is based in whole or in part on the existence of an indicated report of child abuse or maltreatment, the notice of the decision must also include, in the form prescribed by the Office, written notification to the employee, volunteer, consultant or other person that:
- a. he/she/they has a right, pursuant to section 424-a of the Social Services Law, to request a hearing before the Office regarding the record maintained by the Statewide Central Register of Child Abuse and Maltreatment;
 - b. a request for such a hearing must be made within 90 days of the receipt of the notice indicating that the denial or decision was based on the existence of the indicated report; and
 - c. at any such hearing, the sole issue will be whether the employee, volunteer, consultant or other person who is the subject of the indicated report has been shown by a fair preponderance of the evidence to have committed the act or acts of child abuse or maltreatment giving rise to the indicated report.

Reporting Requirements: Child Protective Services, Racker Administration, OCFS, Site Director, Preschool Director, and LDSS-221A Report of Suspected Child Abuse and Maltreatment.

Resource Staff: Supervisor, Department Director