Early Childhood Services (ECS)

**Suspected Child Abuse and Maltreatment/Neglect Procedure**

Issued 05/04/2026

**Purpose:** To establish guidelines for handling cases of suspected child abuse and maltreatment/neglect, and sex trafficking 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. Following the Hotline Call, staff 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 (found on OCFS website); 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 call is made. This entire document must be completed and mailed to the local CPS office within 24 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 24 hours.

4. A copy of the completed DSS 221A form must be submitted to the Site Director immediately.

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 scanned in and emailed to QS at qualitystandards@racker.org for storage within incidents in QS sharing. Once verified that scans are complete, shred form. 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 the preschool director, site director, teacher, and/or social worker, and with input from CPS/DSS when appropriate. Safety Plans will be approved by the Preschool Director or Executive Director and shared with QS. All staff at the site who may be in the classroom and/or have a role to play within the safety plan 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 and all safety plans must also be sent to QS at qualitystandards@racker.org.

7. If CPS/Law Enforcement interviews take place at the center, 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.

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 on ETC form and will call the Hotline immediately.
    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, including current location and health status of child

2. Staff shall notify one of the following as soon as witnessed/discovered so child safety can be maintained: their site director, Preschool 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. The Supervisor or Director 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 voicemail. If a message is left for the Licensor, the Supervisor or 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. The Supervisor or Director will inform the Licensor of the Day about the Hotline call.
4. The director should notify Quality Standards as soon as possible; must be within the same day as incident/call. The completed ETC should be sent the same day to qualitystandards@racker.org. Depending on severity, the director should also notify the Executive Director the same day.

5. Staff will further document the incident, whether accepted by the Hotline or not, using DSS 2221A, Report of Suspected Child Abuse, or Maltreatment.

    a. Completed forms for accepted hotline calls must be mailed to the local CPS office within 24 hours.
    b. A copy of DSS 2221A must be submitted by the caller to Racker management within 24 hours, whether the call is accepted or not.
    c. Staff may choose who in management to submit the form to: their Site Director, Preschool Director, or Executive Director, within 24 hours.

6. If the allegation is accepted for investigation, the accused employee will be told of the allegation. A safety plan will be developed with input from QS and HR for the accused employee during the investigative process. This may include, at the discretion of management, and in consultation with Human Resources, the staff member being reassigned or placed on administrative leave during this process. A copy of the safety plan will be submitted to QS. 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, QS and/or designee.

7. 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 each conduct their own internal investigation. 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, result in the staff being 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, administrative leave, 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/training and/or remedial counseling to a person who is the subject of a report

    iv. initiation of appropriate disciplinary action where applicable.

8. 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 and Compliance 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, as well as required employment clearances are met, as well as taking any disciplinary action up to and including:

i. dismissal, administrative leave 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/training and/or remedial counseling to a person who is the subject of a report

iv. initiation of appropriate disciplinary action where applicable.

2. If the child day care center 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 the center to have access to children who are being cared for by the center, such center 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. they have 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 including Quality Standards Dept, OCFS, Site Director, Preschool Director, and LDSS-221A Report of Suspected Child Abuse and Maltreatment.

**Resource Staff:** Supervisor, Department Director

The above is based on the following:
Racker Policies and Best Practices
NYSOCFS 418-1.10(a)-(e), Social Services Law 390