# New York
# Child Abuse & Neglect Reporting

**Who do I contact to report an incident in New York?**

(1) The Statewide Central Register of Child Abuse and Maltreatment known as the Child Abuse Hotline, at 800-342-3720;

a. Oral reports shall be followed by a report in writing within forty-eight hours after such oral report. Oral reports shall be made to the statewide central register of child abuse and maltreatment unless the appropriate local plan for the provision of child protective services provides that oral reports should be made to the local child protective service. In those localities in which oral reports are made initially to the local child protective service, the child protective service shall immediately make an oral or electronic report to the statewide central register. New York, Soc. Serv. § Law 415

b. "Whenever such (as listed in the mandated reporter section) person is required to report under this title in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility or agency, he or she shall make the report as required by this title and immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report." **New York, Soc. Serv. Law § *413(1)(b)***.

If the child is in immediate danger, call 911 or your local police department.

**How much time do I have to report an incident?**

Immediately.

**New York, Soc. Serv. Law §§ *415***

**How is "child abuse" defined in New York?**

"Abused child" means a child less than eighteen years of age whose parent or other person legally responsible for his care

(i) inflicts or allows to be inflicted upon such 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

**(ii)** 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 protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ, or

**(iii)** (A) commits, or allows to be committed an offense against such child defined in article 130, of the penal law; (B) allows, permits or encourages such child to engage in any act described in sections 230.25, 230.30, 230.32, and 230.34, a of the penal law; (C) commits any of the acts described in sections 255.25, 255.26, and 255.27, of the penal law; (D) allows such child to engage in acts of conduct described in article 263 of the penal law; or (E) permits or encourages such child to engage in any act or commits or allows to be committed against such child any offense that would render such child either a victim of sex trafficking or a victim of severe forms of trafficking in persons pursuant to 22 U.S.C. 7102 as enacted by public law 106-386

or any successor federal statute; (F) provided, however, that (1) the corroboration requirements contained in the penal law and (2) the age requirement for the application of article 263 of such law shall not apply to proceedings under this article. **§ 1012 of the Family Court Act.**

**How is child neglect defined in New York?**

"Neglected child" means a child less than eighteen years of age

(i) 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 parent or other person legally responsible for his care to exercise a minimum degree of care (A) in supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of part one of article 65 of the education law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or in the case of an alleged failure of the respondent to provide education to the child, notwithstanding the efforts of the school district or local educational agency and child protective agency to ameliorate such alleged failure prior to the filing of the petition; or (B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where respondent is voluntarily and regularly participating in a rehabilitative program, evidence that the respondent has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as set forth in paragraph (i) of this subdivision or

(ii) who has been abandoned with the definition and other criteria set forth in subdivision give of section 384b of the Social Services Law, by his parents or other person legally responsible for his care. **§ 1012 of the Family Court Act.**

**Who is a mandatory reporter in New York?**

"The following persons and officials are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child coming before them in their professional or official capacity is an abused or maltreated child, or when they have reasonable cause to suspect that a child is an abused or maltreated child where the parent, guardian, custodian or other person legally responsible for such child comes before them in their professional or official capacity and states from personal knowledge facts, conditions or circumstances which, if correct, would render the child an abused or maltreated child:

Any physician; registered physician assistant, surgeon; medical examiner; coroner; dentist, dental hygienist; osteopath; optometrist; chiropractor; podiatrist; resident; intern, psychologist; registered nurse; social worker; emergency medical technician; licensed creative arts therapist; licensed marriage and family therapist; licensed mental health counselor; licensed psychoanalyst; licensed behavior analyst; certified behavior analyst assistant; hospital personnel

engaged in admission, examination, care or treatment of persons; a Christian Science practitioner; school official, which includes but is not limited to school teacher, school guidance counselor, school psychologist, school social worker, school nurse, school administrator or other school personnel required to hold a teaching or administrative license or certificate; full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate; social services worker; employee of a publicly funded emergency shelter for families with children; director of a children's overnight camp, summer day camp or traveling summer day camp, as such camps are defined in section 1392 of the public health law; a day care center worker; school-age child care worker; provider of family or group family day care; employee or volunteer in a residential care facility for children that is licensed, certified or operated by the officer of children and family services; or any other child care or foster care worker; mental health professional; substance abuse counselor; alcoholism counselor; all persons credentialed by the office of alcoholism and substance abuse services; employees, who are expected to have regular and substantial contact with children, of a health home or health home care management agency contracting with a health home as designated by the department of health and authorized under section 365-1 of this chapter or such employees who provide home and community based services under a demonstration program pursuant to section 1115 of the federal social security act who are expected to have regular and substantial contact with children; peace officer; police officer; district attorney or assistant district attorney, investigator employed in the office of a district attorney; or other law enforcement official." **New York, Soc. Serv. Law § *413.***

**Are Clergy mandatory reporters in New York?**
No.

**Is there an exception for penitential communication in New York?**
An exception is not needed since clergy are not mandated reporters. However, there is a statute related to penitential communication. Confidential communication to clergy is privileged.

"Unless the person confessing or confiding waives the privilege, a clergyman, or other minister of any religion or duly accredited Christian Science practitioner, shall not be allowed [to] disclose a confession or confidence made to him in his professional character as spiritual advisor." **NY CVP § 4505.**

**Where can I find New York law on child abuse?**
https://www.nysmandatedreporter.org/MandatedReporters.aspx

http://public.leginfo.state.ny.us/lawssrch.cgi?NVLWO: