

## SCAN Policies Database State Profile 2021: New York

### Overview of the SCAN Policies Database

The State Child Abuse and Neglect (SCAN) Policies Database compiles data on the definitions and policies that states use in their surveillance of child maltreatment, along with data on associated risk and protective factors. The SCAN Policies Database is funded by the Office of Planning, Research, and Evaluation in collaboration with the Children’s Bureau in the Administration for Children and Families, U.S. Department of Health and Human Services. Mathematica leads this project in partnership with Child Trends.

The project’s purpose is to review and compile information from states’ definitions and policies to create a database of those definitions and policies that can be used for analysis. The SCAN Policies Database is a resource for researchers, analysts, child welfare agency staff, and others interested in examining differences between states in their definitions and policies on child maltreatment and how they change over time.

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### Content

The scope of the SCAN Policies Database includes information about state definitions and policies related to child abuse and neglect for all 50 states, the District of Columbia, and the Commonwealth of Puerto Rico. The SCAN Policies Database team gathered this information through a document collection, review, and coding process. The team obtained input from states on data collection through a confirmation and verification process. More information about these data collection procedures can be found in the data user’s guide and data collection protocol, accessible at <https://www.scanpoliciesdatabase.com/data-use-resources>.

The SCAN Policies Database 2021 represents data collected, reviewed, and verified between July 2021 and January 2022. The data reflect the state definitions and policies for the calendar year 2021. The scope of topics in the database includes states’ definitions of child abuse and neglect, as well as information about policies related to reporting, screening, and investigating child maltreatment. Key aspects of the child welfare systems’ response and context are also included.

The content in the SCAN Policies Database is organized into six domains. The state profiles, codebook, data collection protocol, and data file are also organized by these domains. In the protocol, each question begins with a letter prefix identifying the domain for each variable. The six domains with the identifying protocol number prefix are listed below.

| Domain                       | Question prefix |
|------------------------------|-----------------|
| Definitions                  | D               |
| Reporting                    | R               |
| Screening                    | S               |
| Investigation                | I               |
| Child welfare response       | W               |
| Child welfare system context | C               |

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## State profile

This SCAN Policies Database state profile is a summary of the information collected about the definitions and policies for the identified state. It is organized by six domains, with each section containing a set of tables that depict the state's information for all variables within that domain.

The state profile presents data for each variable with “yes,” “no,” “unknown,” or other response as appropriate. The response of “unknown” appears for topics that could not be located from the state's available resources or verified with that state. In some cases, “logical skip” appears when a question was not applicable to a particular state, given a related response on a preceding question.

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## Data use resources

Several data use resources are available to support users of the SCAN Policies Database:

- **Data user's guide:** The guide has detailed information about the data set, including the process used to collect and review the data, the scope of information included in the data set, guidance on using the data, such as how to link the data with other data sources, and notes about specific topics. The data user's guide includes appendices with information on corrections to the SCAN Policies Database 2019 and a summary of changes to the data between 2019 and 2021 that reflect changes to state laws and policies during that time period. There is one data user's guide that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Codebook:** The codebook provides information about each variable in the data set, including variable names, labels, definitions, protocol number, variable type, and frequencies. The codebook includes several appendices, including a list of all sources used to review and code data. There are separate codebooks to summarize the data from each round of data collection.
- **Data collection protocol:** The protocol has the questions used to collect information about states' statutes and policies as part of the data review and coding process. There are separate data collection protocols for each round of data collection for the SCAN Policies Database.

These data use resources can be found on the SCAN Policies Database website (<https://www.scanpoliciesdatabase.com/data-use-resources>) or from the National Data Archive for Child Abuse and Neglect (NDACAN) (<https://www.ndacan.acf.hhs.gov/>).

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## More information

More information about the SCAN Policies Database can be found at <https://www.scanpoliciesdatabase.com>. General inquiries can be submitted to [SCANPoliciesDatabase@mathematica-mpr.com](mailto:SCANPoliciesDatabase@mathematica-mpr.com).

## State identifying information

Table I. State identifying information

|  | Response  |
|--|-----------|
| a. State abbreviation  | NY        |
| b. State Federal Information Processing Standard (FIPS) code | 36        |
| c. Census region code  | Northeast |
| d. State verified coding of information                      | Yes       |
| e. State confirmed documents reviewed                        | Yes       |
| f. State definitions and policies for calendar year          | 2021      |
| g. Data version  | 2021v1    |

## Domain D: Definitions of child maltreatment

Table II. State's definition of child maltreatment

|   | Response  |
|---|---|
| <b>1. Types of maltreatment included in state definition</b>                        |   |
| a. Physical abuse   | Yes   |
| b. Excessive corporal punishment  | Yes   |
| c. Sexual abuse   | Yes   |
| d. Emotional maltreatment   | Yes   |
| e. Neglect  | Yes   |
| f. Inadequate clothing  | Yes   |
| g. Inadequate shelter   | Yes   |
| h. Malnourishment, inadequate food  | Yes   |
| i. Medical neglect, inadequate medical care   | Yes   |
| j. Failure to thrive  | Yes   |
| k. Educational neglect  | Yes   |
| l. Abandonment  | Yes   |
| m. Injurious environment. Likelihood of harm to child's health, physical well-being | Yes   |
| n. Drug lab. Child present within structure where methamphetamine is being created  | Yes   |
| o. Inadequate supervision. Failure to meet parent or caretaker responsibilities     | Yes   |
| p. Drug or alcohol misuse. Parental drug or alcohol misuse causing harm to child    | Yes   |
| q. Prenatal exposure to drugs or alcohol  | Yes   |
| r. Illicit substance. Illegally providing a controlled substance to a child         | Yes   |
| s. Human trafficking, involuntary servitude, sexual servitude                       | Yes   |
| t. Female genital mutilation  | Yes   |
| u. Shaken baby syndrome, abusive head trauma  | Yes   |
| v. Failure to protect. Failure to protect from harm                                 | Yes   |
| w. Domestic violence. Exposure to domestic violence                                 | Yes   |
| x. Factitious disorder by proxy   | No  |
| y. Institutional abuse/neglect  | Yes   |
| z. Other definition (specify)   | Yes - Unreasonably inflicting or allowing to be inflicted harm by any other acts of a similarly serious nature requiring the aid of the court |

Table II (continued)

|  | <b>Response</b>   |
|--|---|
| <b>2. Subtypes of maltreatment included in state definition</b>              |   |
| a. Subtypes of maltreatment considered abuse                                 | Abused child is defined as intentionally inflicting non-accidental physical injury creating substantial risk of death or serious or protracted disfigurement or protracted impairment of physical or emotional health or protracted loss or impairment of any bodily organ or creating or allowing to be created such conditions. Abuse includes physical abuse, emotional maltreatment, sexual abuse, female genital mutilation, and permitting, encouraging, or allowing child sex trafficking; Depending upon acts, physical abuse, excessive corporal punishment, sexual abuse, shaken baby syndrome, and abusive head trauma, could constitute child abuse and/or child neglect  |
| b. Subtypes of maltreatment considered neglect                               | Neglected child is defined as a child whose physical or emotional condition has been impaired or is in imminent danger of impairment as the result of the parent's or other person legally responsible's failure to exercise a minimum degree of care. Neglect includes inadequate food, inadequate clothing, inadequate shelter, educational neglect, medical neglect, injurious environment, illegally providing controlled substance to a child, child present within structure where methamphetamine is being created, parent responsibilities (harm due to inadequate supervision, failure to meet parent or caretaker responsibilities), failure to protect, excessive corporal punishment, drug or alcohol misuse, and abandonment; Depending upon acts, physical abuse, excessive corporal punishment, sexual abuse, shaken baby syndrome, and abusive head trauma, could constitute child abuse and/or child neglect |
| c. Subtypes of maltreatment considered other than abuse or neglect           | Not applicable  |
| <b>3. Level of harm included in state's definition of child maltreatment</b> |   |
| a. Inflicts harm   | Yes   |
| b. Imminent danger or substantial risk of harm                               | Yes   |

Table II (continued)

|  | Response   |
|--|--|
| <b>4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment</b>  | Yes - Definition of abuse and neglect both include harm, but they vary by the standard or level of harm; Definition for child abuse includes a standard of 'substantial risk' of death, serious or protracted disfigurement or protracted impairment of physical or emotional health or protracted loss or impairment of any bodily organ; Definition for child neglect includes a standard that the child is in 'imminent danger' of harm |
| <b>5. Type of harm or injury specified in state's definition of child maltreatment</b>                               |  |
| a. Death, bodily injury, impairment of physical condition  | Yes  |
| b. Impairment of mental or emotional condition   | Yes  |
| c. Harmful environment, conditions   | Yes  |
| d. Type of harm or injury not specified  | Yes  |
| e. Other (specify)   | No   |
| <b>6. Variation in extent of injury or harm by maltreatment type in the state's definition of child maltreatment</b> | Yes - For sexual abuse and abandonment, there is not a requirement to specify harm. It is assumed in the finding.  |
| <b>7. Perpetrator identified as part of state's definition of child maltreatment</b>                                 | Yes  |
| <b>8. Types of perpetrators specified as part of state's definition of child maltreatment</b>                        |  |
| a. Any adult   | No   |
| b. Parent  | Yes  |
| c. Guardian  | Yes  |
| d. Caregiver/caretaker   | Yes  |
| e. Family member/parent/paramour   | No   |
| f. Household member  | Yes  |
| g. Person responsible for child  | Yes  |
| h. Other (specify)   | No   |
| <b>9. Types of perpetrators vary by type of maltreatment</b>   | Yes  |
| <b>10. Explanation of variation in types of perpetrator by maltreatment type</b>                                     | Only a parent or other person legally responsible for a child's care can abandon a child   |
| <b>11. Child age included in definition of child maltreatment</b>  | Yes  |
| <b>12. Specific child age in definition of child maltreatment</b>  | Under age 18   |
| <b>13. Variability of child age by type of maltreatment</b>  | No   |

**Table III. Child maltreatment definition exemptions**

|   | <b>Response:<br/>Yes/No/Unknown</b>   |
|---|---|
| <b>1. Exemption included in state's definition of child maltreatment</b>  |   |
| a. Financial issues, financial inability to provide for a child   | Yes   |
| b. Discipline; physical discipline, as long as it is reasonable and causes no bodily injury to the child                                      | Yes   |
| c. Safe haven exemption; newborn relinquished or abandoned in accordance with infant safe haven laws  | Yes   |
| d. Infant testing positive for drugs – medical; newborn with positive test for controlled substance as a result of parent's medical treatment | Yes   |
| e. Religious observance; parent relies on spiritual or religious forms of medical treatment   | No  |
| f. Other exemption (specify)  | Yes - Circumcision, excision or infibulation is not a violation if it is necessary to the health of the person on whom it is performed or done on a person in labor or who has just given birth and is performed for medical purposes connected with that labor |
| <b>2. Safe haven exemption included in state's definition of child maltreatment</b>   |   |
| a. Must leave a child at specific safe haven locations  | Yes   |
| b. Child must be left by parent or parent's agent   | No  |
| c. Child must be left by a certain age (specify)  | Yes - 30 days old or younger  |
| d. No intent to return  | Yes   |
| e. Child must be left unharmed  | Yes   |
| f. Other (specify)  | No  |

**Table IV. Definitions and response for child fatalities and near-fatalities cases**

|   | <b>Response:<br/>Yes/No/Unknown</b> |
|---|-------------------------------------|
| <b>1. State's definition of fatalities or deaths caused by child maltreatment</b>   |                                     |
| a. Not specified/not defined  | No                                  |
| b. Injury from abuse or neglect caused death  | No                                  |
| c. Abuse or neglect was contributing factor in death  | Yes                                 |
| d. Death of child was in child welfare custody/foster care  | Yes                                 |
| e. Other (specify)  | No                                  |
| f. Unknown  | No                                  |
| <b>2. State conducts case reviews with a child fatality review team or a similar review process for fatalities caused by child abuse or neglect</b> |                                     |
| a. No case review or review process   | No                                  |
| b. Reviews are required of all or some cases  | Yes                                 |
| c. Reviews can be conducted but are not required  | No                                  |
| d. Other (specify)  | No                                  |
| e. Unknown  | No                                  |
| <b>3. State's definition of near-fatalities or near-deaths caused by child maltreatment</b>   |                                     |
| a. Not specified/not defined  | No                                  |
| b. General reference to a serious or critical condition/injury that is life threatening with a substantial risk of death                            | Yes                                 |
| c. Specific injury or specific medical treatment/intervention (specify)   | No                                  |
| d. Other (specify)  | No                                  |
| e. Unknown  | No                                  |
| <b>4. State conducts case reviews with a review team or similar review process for near-fatalities caused by child abuse or neglect</b>             |                                     |
| a. No case review or review process   | No                                  |
| b. Reviews are required of all or some cases  | No                                  |
| c. Reviews can be conducted but are not required  | Yes                                 |
| d. Other (specify)  | No                                  |
| e. Unknown  | No                                  |

## Domain R: Reporting child abuse and neglect

Table V. Reporting policies

|   | Response                    |
|---|-----------------------------|
| <b>1. Statewide centralized reporting</b>   | Yes                         |
| <b>2. How reporting is decentralized</b>  |                             |
| a. Each county or region has its own reporting hotline                                | Logical Skip                |
| b. Some counties or regions have their own reporting hotline                          | Logical Skip                |
| c. During some times of the day, counties or regions have their own reporting hotline | Logical Skip                |
| d. Other (specify)  | Logical Skip                |
| <b>3. Standard for reporting child maltreatment</b>                                   |                             |
| a. Known abuse and neglect  | No                          |
| b. Reasonable cause to believe a child was abused or neglected                        | Yes                         |
| <b>4. Universal mandated reporting</b>  | No                          |
| <b>5. Required training for mandated reporters</b>                                    | Yes, all mandated reporters |
| <b>6. Penalties for failure to report</b>   | Yes, all mandated reporters |
| <b>7. Specific penalties for failure to report</b>                                    |                             |
| a. Criminal charges   | Yes                         |
| b. Civil charges  | Yes                         |
| c. Professional licensure suspended or revoked  | Yes                         |
| d. Other (specify)  | No                          |
| <b>8. Penalties for false reporting</b>   | Yes                         |
| <b>9. Specific penalties for false reporting</b>                                      |                             |
| a. Criminal charges   | Yes                         |
| b. Civil charges  | No                          |
| c. Professional license suspended or revoked  | Yes                         |
| d. Other (specify)  | No                          |
| e. Unknown  | No                          |
| <b>10. Immunity for reporters of child abuse and neglect</b>                          | Yes                         |
| <b>11. Information requested at the time of report</b>                                |                             |
| a. Identifying information of child   | Yes                         |
| b. Location/contact information of child and family                                   | Yes                         |
| c. Type/severity of suspected maltreatment  | Yes                         |
| d. Date of suspected maltreatment   | Yes                         |
| e. Identifying and other information of alleged perpetrator(s)                        | Yes                         |
| f. Identifying and other information of reporter                                      | Yes                         |
| g. Identifying information of child's parents, guardian, or caregiver/caretaker       | Yes                         |
| h. Identifying and other information of family/household members                      | Yes                         |
| i. Information on prior maltreatment  | Yes                         |

Table V (continued)

|   | Response  |
|---|---|
| j. Other (specify)  | Yes - Any other information which the commissioner of the Office of Children and Family Services (OCFS) may, by regulation, require |
| <b>12. Anonymity of reporter</b>  |   |
| a. All reporters (including mandated reports) can stay anonymous  | No  |
| b. The general public can be anonymous (mandated reporters cannot remain anonymous)   | Yes   |
| c. Reporters (including mandated reporters) cannot be anonymous   | No  |
| d. Unknown  | No  |
| <b>13. Tribal involvement in accepting reports of tribal cases</b>  |   |
| a. Tribes are not involved  | Yes   |
| b. Tribes accept reports (specify tribes)   | No  |
| c. Collaboration of tribes with state/local public child welfare agency to accept reports (specify tribes)                                  | No  |
| d. Tribes accept reports and collaborate with state/local public child welfare agency (specify tribes)                                      | No  |
| e. Unknown  | No  |
| <b>14. State requires all notifications of substance-exposed newborns (SENs) to be submitted as reports of child maltreatment</b>           |   |
| a. State does not require all cases of SENs to be reported for child maltreatment, but they could be reported if they meet certain criteria | Yes   |
| b. State requires all SENs to be reported as child maltreatment   | No  |
| c. Other (specify)  | No  |
| d. Unknown  | No  |
| <b>15. Accepts reports of risk without an allegation of child maltreatment (risk-only reports)</b>  |   |
| a. No   | No  |
| b. Yes  | Yes   |
| c. Other (specify)  | No  |
| d. Unknown  | No  |

**Table VI. Types of mandated reporters**

|  | <b>Response</b>   | <b>Response</b>                      | <b>Response</b>   |
|--|---|--------------------------------------|---|
| <b>1. Types of mandated reporters</b>  | <b>Included in state's definition of mandated reporters</b> | <b>Training required<sup>1</sup></b> | <b>Subject to penalties for failure to report<sup>2</sup></b> |
| a. Foster parents  | No  | Logical Skip                         | Logical Skip  |
| b. School staff - teachers   | Yes   | Yes                                  | Yes   |
| c. School bus drivers or other transportation staff                                  | No  | Logical Skip                         | Logical Skip  |
| d. Before- /after-school program staff   | Yes   | Yes                                  | Yes   |
| e. Child care staff  | Yes   | Yes                                  | Yes   |
| f. Camp counselors, directors, or administrators                                     | Yes   | Yes                                  | Yes   |
| g. Athletic coaches or staff   | No  | Logical Skip                         | Logical Skip  |
| h. Medical or dental professionals   | Yes   | Yes                                  | Yes   |
| i. Substance abuse disorder treatment providers                                      | Yes   | Yes                                  | Yes   |
| j. Mental health, counselors, or other social service professionals                  | Yes   | Yes                                  | Yes   |
| k. Police or other law enforcement   | Yes   | Yes                                  | Yes   |
| l. Emergency medical technicians, firefighters, or other emergency personnel         | Yes   | Yes                                  | Yes   |
| m. Judges  | No  | Logical Skip                         | Logical Skip  |
| n. District attorneys or other attorneys   | Yes   | Yes                                  | Yes   |
| o. Guardian ad litem or court-appointed special advocates                            | No  | Logical Skip                         | Logical Skip  |
| p. Other court personnel   | Yes   | Yes                                  | Yes   |
| q. Shelter staff   | Yes   | Yes                                  | Yes   |
| r. Those who work in fields processing or monitoring print, film, or computer images | No  | Logical Skip                         | Logical Skip  |
| s. Religious clergy  | No  | Logical Skip                         | Logical Skip  |
| t. Volunteers  | Yes   | Yes                                  | Yes   |
| u. Coroners or medical examiners   | Yes   | Yes                                  | Yes   |
| v. Staff or contractors of state and county agencies                                 | Yes   | Yes                                  | No  |

Table VI (continued)

|  | Response  | Response  | Response  |
|--|---|---|---|
| 1. Types of mandated reporters               | Included in state's definition of mandated reporters  | Training required <sup>1</sup>  | Subject to penalties for failure to report <sup>2</sup>   |
| w. Other type of mandated reporter (specify) | Yes - Christian Science practitioner; Any other child care or foster care worker; Any person credentialed by New York State Office of Addiction Services and Supports | Yes - Christian Science practitioner; Any other child care or foster care worker; Any person credentialed by New York State Office of Addiction Services and Supports | Yes - Christian Science practitioner; Any other child care or foster care worker; Any person credentialed by New York State Office of Addiction Services and Supports |

<sup>1</sup>Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no training is required for mandated reporters (Table V.5).

Responses in this column can be yes when a state has universal mandated reporting (Table V.4) and all mandated reporters require training (Table V.5).

<sup>2</sup>Responses in this column can equal logical skip when the given type of mandated reporter is not included in the state's definition of mandated reporters or when no mandated reporters are subject to penalties (Table V.6).

Responses in this column can be yes when a state has universal mandated reporting (Table V.4) and when all adults or all mandated reporters are subject to penalties (Table V.6).

## Domain S: Screening reports of child abuse and neglect

Table VII. Screening policies

|  | Response   |
|--|--|
| <b>1. Statewide centralized screening</b>  | Yes  |
| <b>2. How screening is decentralized</b>   |  |
| a. Each county or region has its own screening unit                                    | Logical Skip   |
| b. Some counties or regions have their own screening units                             | Logical Skip   |
| c. During certain times of the day, counties or regions have their own screening units | Logical Skip   |
| d. Other (specify)   | Logical Skip   |
| <b>3. Information required to screen in report</b>                                     |  |
| a. Identifying information of child  | No   |
| b. Location/contact information of child and family                                    | No   |
| c. Type/severity of suspected maltreatment   | No   |
| d. Date of suspected maltreatment  | No   |
| e. Identifying and other information of alleged perpetrator(s)                         | No   |
| f. Other (specify)   | Yes - 8 elements are needed to register a report of suspected child abuse/maltreatment in New York State: (1) Reasonable cause to suspect that a (2) minor child (less than eighteen years old) has been (3) impaired/harmed or is in (4) imminent danger of impairment/risk of harm because of the failure of a (5) parent or person legally responsible for the child to exercise a (6) minimum degree of care, (7) jurisdiction in New York State based on residence of child and/or alleged subject and where the alleged maltreatment took place, (8) sufficient demographic information to locate the alleged subject and so Child Protective Services can initiate an investigation |
| g. Unknown   | No   |

**Table VIII. Screening decision process and activities**

|   | <b>Response</b> | <b>Required cases</b> | <b>Conditions or types of cases</b> |
|---|-----------------|-----------------------|-------------------------------------|
| <b>1. Decision processes used during screening</b>                            |                 |                       |                                     |
| a. Supervisory review   | Yes             | Required for some     | —                                   |
| b. Team-based decision  | No              | Logical Skip          | —                                   |
| c. Individual screener  | Yes             | Required for all      | —                                   |
| d. Other (specify)  | No              | Logical Skip          | —                                   |
| e. Unknown  | No              | —                     | —                                   |
| <b>2. Variability of decision process used for screening</b>                  |                 |                       |                                     |
| a. Consistent statewide   | Yes             | —                     | —                                   |
| b. Varies locally   | No              | —                     | —                                   |
| c. Unknown  | No              | —                     | —                                   |
| <b>3. Certain activities or information are required as part of screening</b> | Yes             |                       |                                     |
| <b>4. Activities/information required as part of screening</b>                |                 |                       |                                     |
| a. Safety or risk assessment  | No              | Logical Skip          | Not applicable                      |
| b. Review agency records for prior involvement with child protective services | Yes             | Required for all      | Not applicable                      |

Table VIII (continued)

|   | <b>Response</b>   | <b>Required cases</b> | <b>Conditions or types of cases</b> |
|---|---|-----------------------|-------------------------------------|
| c. Other (specify)  | Yes - CONNECTIONS (CONNX) system automatically assigns a unique Statewide Central Register of Child Abuse and Maltreatment (SCR) Call ID number to the report and the specialist then assigns jurisdiction and immediately transmits the report electronically via CONNX to the appropriate Child Protection Services (CPS) unit of the Local Departments of Social Services (LDSS); When a CPS using Family Assessment Response (FAR) receives a new report, staff uses the LDSS screening protocol to determine whether the report is eligible for the FAR track and decide on investigation or FAR track | Required for all      | Not applicable                      |
| <b>5. Types of safety/risk assessment used during screening</b> |   |                       |                                     |
| a. Structured decision making                                   | Logical Skip  | —                     | —                                   |

Table VIII (continued)

|   | <b>Response</b> | <b>Required cases</b> | <b>Conditions or types of cases</b> |
|---|-----------------|-----------------------|-------------------------------------|
| b. Other (specify)  | Logical Skip    | —                     | —                                   |
| <b>6. Consistency of screening activities/information</b> |                 |                       |                                     |
| a. Consistent statewide                                   | Yes             | —                     | —                                   |
| b. Varies locally (specify)                               | No              | —                     | —                                   |
| c. Unknown  | No              | —                     | —                                   |

**Table IX. Screeners**

|   | <b>Response</b>   |
|---|---|
| <b>1. Screener of abuse and neglect reports</b>   |   |
| a. Caseworkers (frontline staff)  | No  |
| b. Case managers (supervisors)  | No  |
| c. Staff in specialized screening unit  | Yes   |
| d. Other (specify)  | No  |
| <b>2. Qualifications of screener</b>  |   |
| a. Associate's degree   | Yes   |
| b. Bachelor's degree  | Yes   |
| c. Master's degree  | No  |
| d. Training for screening (specify)   | No  |
| e. Years of experience (specify)  | Yes - 2 or 4 years of experience are required depending on educational degree |
| f. Other (specify)  | No  |
| g. Unknown  | No  |
| <b>3. Degree in social work or related field for screeners</b>  |   |
| a. Not required   | No  |
| b. Required   | No  |
| c. Recommended or preferred, but not required   | Yes   |
| d. Other (specify)  | No  |
| e. Unknown  | No  |
| <b>4. Tribal involvement in screening process of tribal cases</b>   |   |
| a. Tribes are not involved  | Yes   |
| b. Tribes conduct screening (specify tribes)  | No  |
| c. Collaboration of tribes with state/local public child welfare agency (specify tribes)                  | No  |
| d. Tribes conduct screening and collaborate with state/local public child welfare agency (specify tribes) | No  |
| e. Unknown  | No  |

## Domain I: Investigations of child abuse and neglect

Table X. Investigations policies

|   | Response   |
|---|--|
| <b>1. Child maltreatment investigations lead to criminal penalties</b>                | Yes  |
| <b>2. Investigator for reports</b>  |  |
| a. Caseworkers (frontline staff)  | No   |
| b. Case managers (supervisors)  | No   |
| c. Staff in specialized investigations unit   | Yes  |
| d. Law enforcement  | No   |
| e. Other (specify)  | No   |
| <b>3. Qualifications of investigator</b>  |  |
| a. Associate's degree   | No   |
| b. Bachelor's degree  | Yes  |
| c. Master's degree  | No   |
| d. Training for conducting investigations (specify)                                   | No   |
| e. Years of experience (specify)  | Yes - CPS supervisors hired after December 1, 2006 are required to have 2 years of relevant child welfare services experiences, but this may be waived by the OCFS where they have created a barrier to hiring suitable staff; Non-supervisory staff must have a baccalaureate or equivalent college degree and/or relevant human service experience |
| f. Other (specify)  | No   |
| g. Unknown  | No   |
| <b>4. Degree in social work or related field for investigators</b>                    |  |
| a. Not required   | No   |
| b. Required   | No   |
| c. Recommended or preferred, but not required   | Yes  |
| d. Other (specify)  | No   |
| e. Unknown  | No   |
| <b>5. Level of evidence required for substantiation (founded/indicated/confirmed)</b> |  |
| a. Preponderance of evidence  | Yes  |
| b. Credible or substantial evidence   | No   |
| c. Probable or reasonable cause   | No   |
| d. Unknown  | No   |
| <b>6. Investigation determination can result in an "inconclusive" finding</b>         |  |
| a. No   | Yes  |
| b. Yes  | No   |
| c. Unknown  | No   |

**Table XI. Required activities/information for investigation**

|   | <b>Response</b> | <b>Required cases</b> | <b>Conditions or types of cases</b>   |
|---|-----------------|-----------------------|---|
| <b>1. Certain activities/information required for the investigation process</b>                               | Yes             |                       |   |
| <b>2. Specific activities or information required for investigation</b>                                       |                 |                       |   |
| a. Review agency records for prior involvement with child protective services                                 | Yes             | Required for all      | Not applicable  |
| b. Visit to child's home  | Yes             | Required for all      | Not applicable  |
| c. Interview or observation of child victim   | Yes             | Required for all      | Not applicable  |
| d. Interview or observation of other children living in child's home  | Yes             | Required for all      | Not applicable  |
| e. Risk or safety assessment  | Yes             | Required for all      | Not applicable  |
| f. Evaluation of home environment or home study   | Yes             | Required for all      | Not applicable  |
| g. Interviews with child's parents, caregivers, or other adults residing in child's home                      | Yes             | Required for all      | Not applicable  |
| h. Check of criminal records for adults in home   | Yes             | Required for some     | CPS units may apply to be able to obtain criminal history information for the perpetrator/other adults in the home on a report. |
| i. Check of child welfare or central registry for prior child maltreatment allegations against adults in home | Yes             | Required for all      | Not applicable  |
| j. Medical evaluation   | No              | Logical Skip          | Not applicable  |
| k. Mental health evaluation   | No              | Logical Skip          | Not applicable  |
| l. Interview alleged perpetrator  | Yes             | Required for all      | Not applicable  |
| m. Interview reporter or collateral source  | Yes             | Required for some     | Reports that were not made anonymously  |

Table XI (continued)

|                    | <b>Response</b>  | <b>Required cases</b> | <b>Conditions or types of cases</b> |
|--------------------|--|-----------------------|-------------------------------------|
| n. Other (specify) | Yes - Determination of the nature, extent and cause of any condition enumerated in report and any other condition that may constitute abuse or maltreatment;<br>Determination of the name, age and condition of the children in the home;<br>Seeing to the safety of the child or children;<br>After seeing to the safety of the child or children, notification in writing to the subjects of the report and other persons named in the report of the existence of the report and of their respective rights (no later than 7 days after receipt of the report);<br>Obtaining information from reporting sources and other collateral sources which may have information relevant to the allegations in the report and to the safety of the children;<br>Request copies of materials in the case records of other districts that are not part of the CONNECTIONS (CONNX) record (e.g., medical reports, schools, police, social service and other agencies, relatives, neighbors) | Required for all      | Not applicable                      |

## Domain W: Child welfare response

Table XII. Differential or alternative response

|  | Response  |
|--|---|
| <b>1 Differential/alternative response</b>   |   |
| a. No  | No  |
| b. Yes - implemented statewide   | No  |
| c. Yes - implemented in specific counties or regions (specify)                                 | Yes - Any social services district may, upon the authorization of the Office of Children and Family Services, establish a program that implements differential responses to reports of child abuse and maltreatment                   |
| d. Unknown   | No  |
| <b>2. Types of maltreatment eligible for differential/alternative response</b>                 |   |
| a. All types of maltreatment are eligible  | No  |
| b. Only certain types of maltreatment are eligible   | Yes   |
| c. Unknown   | No  |
| <b>3. Types of maltreatment <u>not</u> eligible for differential/alternative response</b>      |   |
| a. Cases involving child fatalities  | Yes   |
| b. Substance-exposed infants   | No  |
| c. Physical abuse  | Yes   |
| d. Sexual abuse  | Yes   |
| e. Neglect   | Yes   |
| f. Abandoned infants   | Yes   |
| g. Other (specify)   | Yes - Failure to thrive   |
| <b>4. Eligibility for differential/alternative response determined by a risk determination</b> |   |
| a. No  | No  |
| b. Yes   | Yes   |
| c. Other (specify)   | Yes - Determination that each child named in the CPS report or known to be living in the household is safe in the home. In operative terms, this means that there is a safety decision of '1' or '2' in the initial safety assessment |
| d. Unknown   | No  |
| <b>5. Tools used to determine risk for differential/alternative response</b>                   | Yes - Safety assessment; Risk assessment  |
| <b>6. Risk level eligible for differential/alternative response</b>                            |   |
| a. No risk   | No  |
| b. Low risk  | No  |
| c. Moderate risk   | No  |
| d. Other (specify)   | Yes - Determination that each child named in the CPS report or known to be living in the household is safe in the home. In operative terms, this means that there is a safety decision of '1' or '2' in the initial safety assessment |
| e. Unknown   | No  |

Table XII (continued)

|   | Response   |
|---|--|
| <b>7. Other types of cases or conditions eligible for differential/alternative response</b> |  |
| a. No other cases or conditions   | No   |
| b. No immediate safety concerns   | Yes  |
| c. No or few prior reports of child abuse or neglect  | No   |
| d. Other (specify)  | Yes - The LDSS is responsible for establishing protocol that specifies the types of allegations and situations that the CPS will or will not consider for potential assignment to FAR. The Local Department of Social Services may establish more restrictive standards for the categories of reports it will accept for FAR. Must be compliant with state and local screening criteria including: (1) satisfactory record review, (2) no open CPS investigation, and (3) agreement by parents, guardians, or persons legally responsible for child. Some categories of New York defined maltreatment/neglect are eligible. The following categories are potentially eligible: (1) inadequate guardianship, (2) lack of supervision, (3) lack of food, clothing, shelter, (4) medical neglect, (5) educational neglect, (6) lacerations, bruises, welts, (7) excessive corporal punishment, (8) failure to provide minimum level of care due to misuse of alcohol or drugs |
| <b>8. When is determination made for differential/alternative response</b>                  |  |
| a. At time of screening to screen out to differential response                              | No   |
| b. After a report is screened in  | Yes  |
| c. Other (specify)  | No   |
| <b>9. Referrals to community services for cases engaged in differential response</b>        |  |
| a. No   | No   |
| b. Yes - for all cases  | No   |
| c. Yes - when families express interest   | No   |
| d. Yes - when there is a determination of risk  | Yes  |
| e. Yes - other (specify)  | No   |

**Table XIII. In-home services, foster care, and permanency**

|   | <b>Response</b>             |
|---|-----------------------------|
| <b>1. In-home services provided for unsubstantiated cases to maintain intact families</b> |                             |
| a. No   | No                          |
| b. Yes - implemented statewide  | Yes                         |
| c. Yes - implemented in specific counties or regions                                      | No                          |
| d. Unknown  | No                          |
| <b>2. In-home services provided post reunification</b>                                    |                             |
| a. No   | No                          |
| b. Yes - implemented statewide  | Yes                         |
| c. Yes - implemented in specific counties or regions                                      | No                          |
| d. Unknown  | No                          |
| <b>3. Tribal involvement in foster care for tribal cases</b>                              |                             |
| a. Tribes do not provide foster care  | No                          |
| b. Tribes provide foster care (specify tribes)  | Yes - St Regis Mohawk Tribe |
| c. Unknown  | No                          |
| <b>4. Foster care extension for those older than 18</b>                                   | Yes                         |
| <b>5. Age youth are allowed to remain in extended foster care</b>                         |                             |
| a. Age 21   | Yes                         |
| b. Other (specify)  | No                          |
| <b>6. Permanency</b>  |                             |
| a. Kinship guardianship as a permanency option  | Yes                         |
| b. Subsidized guardianship  | Yes                         |
| c. Subsidized kinship guardianship  | Yes                         |
| d. Subsidized adoption  | Yes                         |
| <b>7. Foster care case management staff</b>   |                             |
| a. State/county public agency staff   | Yes                         |
| b. Contracted provider staff  | Yes                         |
| c. Tribal agency staff  | Yes                         |
| d. Unknown  | No                          |
| <b>8. Qualifications of foster care case managers</b>                                     |                             |
| a. Associate degree   | No                          |
| b. Bachelor's degree  | No                          |
| c. Master's degree  | No                          |
| d. Training for case management (specify)   | No                          |
| e. Years of experience (specify)  | No                          |

Table XIII (continued)

|  | <b>Response</b>   |
|--|---|
| f. Other (specify)   | Yes - New York State does not have qualification standards. Such standards may be set at the county level by the LDSS. Each CPS must maintain a sufficient level of staff who are sufficiently qualified and trained, as specified by OCFS, to perform duties; It is preferable that CPS workers have an educational background or experience in social work or a related field and be skillful and experienced in working with children and families; State regulations require any CPS Supervisor hired after December 1, 2006, to have, at a minimum, a baccalaureate degree and 2 years of relevant child welfare services experience, except that these requirements may be waived by OCFS where they have created a barrier to hiring suitable staff; Non-supervisory CPS workers must have a baccalaureate degree and/or must have relevant human services experience. |
| g. Unknown   | No  |
| <b>9. Degree in social work or related field for foster care case managers</b> |   |
| a. Not required  | Logical Skip  |
| b. Required  | Logical Skip  |
| c. Recommended or preferred, but not required                                  | Logical Skip  |
| d. Other (specify)   | Logical Skip  |
| e. Unknown   | Logical Skip  |

**Table XIV. Agency staff dedicated to equity**

|  | <b>Response</b> |
|--|-----------------|
| <b>1. Child welfare agency uses staff roles/functions dedicated to addressing disproportionality and/or equity</b>                   |                 |
| a. No staff or roles   | Yes             |
| b. Uses cultural brokers   | No              |
| c. Uses manager, administrator, or office focused on diversity, equity, and inclusion (DEI) or multicultural or tribal affairs       | No              |
| d. Other (specify)   | No              |
| e. Unknown   | No              |
| <b>2. Aspects of child welfare process that involve cultural brokers</b>   |                 |
| a. Screening process   | Logical Skip    |
| b. Investigation process   | Logical Skip    |
| c. Case management/child welfare response  | Logical Skip    |
| d. Other (specify)   | Logical Skip    |
| e. Unknown   | Logical Skip    |
| <b>3. Specify other staff roles/job functions dedicated to addressing disproportionality and/or equity</b>                           | Not applicable  |
| <b>4. Aspects of child welfare process that involve other staff roles/functions used to address disproportionality and/or equity</b> |                 |
| a. Screening process   | Logical Skip    |
| b. Investigation process   | Logical Skip    |
| c. Case management/child welfare response  | Logical Skip    |
| d. Other (specify)   | Logical Skip    |
| e. Unknown   | Logical Skip    |

## Domain C: Child welfare system context

Table XV. Child welfare system context

|  | Response |
|--|----------|
| <b>1. State- or county-administered child welfare system</b>                               |          |
| a. State administered  | No       |
| b. County administered   | Yes      |
| c. Hybrid (partially administered by the state and partially administered by the counties) | No       |
| d. Unknown   | No       |
| <b>2. State operates under legal consent decree or other court-ordered monitoring</b>      | No       |

## Supplemental Notes on State

### Definitions

For prenatal exposure to drugs or alcohol, a positive toxicology test is enough for the New York State Statewide Central Register of Child Abuse and Maltreatment to take a report, but is not enough in and of itself to indicate a report or to secure a court determination. An additional element that addresses either harm or imminent risk of harm is required.

For exposure to domestic violence, the existence of domestic violence in and of itself is not enough for a determination of maltreatment. Some credible evidence of the elements of neglect or maltreatment (harm or imminent risk of harm, failure to exercise a minimum degree of care, and a causal connection between the subject's failure and either harm or imminent risk of harm to the child) is required.

For infants testing positive for drugs, there must be proven harm or imminent risk of harm other than the fact that the infant tested positive. If parent is compliant with a drug or substance abuse treatment program, then a report cannot be indicated. If subject is voluntarily and regularly participating in a rehabilitative program, evidence that the subject has repeatedly misused a drug or drugs or alcoholic beverages to the extent that the subject loses self-control of their 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.

Not all parental drug use is considered abuse or neglect. CPS must find that the child's physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired.

Religious observance can be considered an exemption if parents object to a medical treatment but "provide an acceptable course of medical treatment for their child" and it is one "which is recommended by their physician, and which has not been totally rejected by all responsible medical authority." New York case law has held that exercising religion is not a defense in CPS cases.

### Reporting

Social services workers only are required to report or cause a report to be made when any person comes before them in their professional or official capacity with information from personal knowledge that gives them reasonable cause to suspect that a child is abused or maltreated. All other mandated reporters must report or cause a report to be made only when confronted with a child whom they suspect to be abused or maltreated, or when a parent, guardian, custodian, or other person legally responsible for a child provides information that, if true, would mean that child was abused or maltreated.

For mandated reporters, homeless shelter staff are those employees of a publicly funded emergency shelter for families with children.

Volunteers include those in a children's residential care facility that is licensed, certified, or operated by the Office of Children and Family Services.

The New York State Education Department (SED) Office of the Professions oversees the training requirements for mandated reporters. Some categories-including teachers, many medical professionals, and social workers-require this training as part of their licensing. The training may be included in their formal education program.

### **Screening**

New York refers to screening policies as "Accepting Reports."

State regulations require any CPS supervisor hired after December 1, 2006, to have, at a minimum, a baccalaureate degree and two years of relevant child welfare services experience; however, the Office of Children and Family Services may waive these requirements in cases where they create a barrier to hiring suitable staff. Non-supervisory CPS workers must have a baccalaureate degree, relevant human services experience, or both.

### **Investigations**

All reports require identified investigation activities. However, evaluation of the home environment or home study might differ depending on the allegations in the report, the information in the record review, and the information from the initial contacts.

State regulations require any CPS supervisor hired after December 1, 2006, to have, at a minimum, a baccalaureate degree and two years of relevant child welfare services experience; however, the Office of Children and Family Services may waive these requirements in cases where they create a barrier to hiring suitable staff. Non-supervisory CPS workers must have a baccalaureate degree, relevant human services experience, or both.

## State Statutes and Policy Documentation Sources

- Care and Protection of Children, N.Y. Soc. Serv. Law §§ 371–392 (2019).
- Child Protective Proceedings, N.Y. Fam. Ct. Act §§ 1011–1085 (2021).
- Child Protective Services, N.Y. Soc. Serv. Law §§ 411–429-b (2019).
- New York State Office of Children and Family Services. (2019). *Summary guide for mandated reporters in New York State*. Retrieved May 13, 2019, from a link which is no longer available.
- New York State Office of Children and Family Services. (2020). *Child protective services manual*. Retrieved March 1, 2021, from <https://ocfs.ny.gov/programs/cps/manual/2020/2020-CPS-Manual.pdf>.
- NYC Children. (2020). *Administration for Children’s Services welcomes new child welfare reforms in New York State that help protect children & ensure economic opportunities for low-income families*. Retrieved January 13, 2022, from <https://www1.nyc.gov/assets/acs/pdf/PressReleases/2020/scrreformbill.pdf>.
- Offenses Affecting the Marital Relationship, N.Y. Penal Law §§ 255.00–255.30 (2019).
- Offenses Against Public Order, N.Y. Penal Law §§ 240.00–240.77 (2019).
- Offenses Relating to Children, Disabled Persons, and Vulnerable Elderly Persons, N.Y. Penal Law §§ 260.00–260.35 (2019).
- Permanency Hearings for Children Placed Out of Their Homes, N.Y. Fam. Ct. Act §§ 1086–1090-A (2019).
- Procedures for Family Offense Matters, N.Y. Crim. Proc. Law § 530.11 (2019).
- Prostitution Offenses, N.Y. Penal Law §§ 230.00–230.40 (2019).
- Sex Offenses, N.Y. Penal Law §§ 130.00–130.96 (2019).
- Sexual Performance by a Child, N.Y. Penal Law §§ 263.00–263.30 (2019).