

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 at the U.S. Department of Health and Human Services. The project team is led by Mathematica 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 (the SCAN Policies Database) that can be used for analysis. The database is a resource for researchers, analysts, and others who are interested in examining differences between states in their definitions and policies on child maltreatment.

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. This information represents data collected, reviewed, and verified between May 2019 and July 2020. The data reflect the state definitions and policies for the calendar year 2019. The scope of topics in the SCAN Policies 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 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 is named with a prefix that identifies its associated domain. The six domains are listed below, with the identifying protocol number prefix.

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

State Profile

This SCAN Policies Database state profile serves as a summary of the information collected about the definitions and policies for the identified state. Each profile is organized by topical domains, which contain a set of tables that depict the state's information for each variable within that domain.

This information was gathered through a document collection, review, and coding process conducted by the SCAN Policies Database team. Input from states on data collection was obtained through a confirmation and verification process. More information about the SCAN Policies Database data collection procedures can be found in the data user's guide and data collection protocol which are accessible from the Data Use Resources page <https://www.scanpoliciesdatabase.com/data-use-resources>.

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

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. This data user's guide also has two appendices. Appendix A provides a glossary of key terms. Appendix B summarizes the decisions made on the scope and variables to include in the SCAN Policies Database after a data quality assessment.
- **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 has two appendices. Appendix A contains supplemental notes that are important for accurately interpreting and using the data. Appendix B is a comprehensive list of all state statutes and policy documentation sources used to collect data for the SCAN Policies Database for each state, District of Columbia, and Puerto Rico.
- **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. Appendix A provides a glossary of key terms.

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

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.

State Identifying Information

Table I.A. 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	2019

Domain D: Definitions of child maltreatment

Table II.A. State's definition of child maltreatment

	Response
1. Types of maltreatment included in state definition	
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.A (continued)

	Response
2. Subtypes of maltreatment included in state definition	
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
3. Level of harm included in state's definition of child maltreatment	
a. Inflicts harm	Yes
b. Imminent danger or substantial risk of harm	Yes

Table II.A (continued)

	Response
4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment	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
5. Type of harm or injury specified in state's definition of child maltreatment	
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
6. Variation in extent of injury or harm by maltreatment type in the state's definition of child maltreatment	No
7. Perpetrator identified as part of state's definition of child maltreatment	Yes
8. Types of perpetrators specified as part of state's definition of child maltreatment	
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
9. Types of perpetrators vary by type of maltreatment	Yes
10. Explanation of variation in types of perpetrator by maltreatment type	Only a parent or other person legally responsible for a child's care can abandon a child
11. Child age included in definition of child maltreatment	Yes
12. Specific child age in definition of child maltreatment	Under age 18
13. Variability of child age by type of maltreatment	No

Table II.B. Child maltreatment definition exemptions

	Response: Yes/No/Unknown
1. Exemption included in state's definition of child maltreatment	
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 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
2. Safe haven exemption included in state's definition of child maltreatment	
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

Domain R: Reporting child abuse and neglect

Table III.A. Reporting policies

	Response
1. Statewide centralized reporting	Yes
2. How reporting is decentralized	
a. Each county or region has its own reporting hotline	Logical Skip
b. Some counties or regions have 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
3. Standard for reporting child maltreatment	
a. Known abuse and neglect	No
b. Reasonable cause to believe a child was abused or neglected	Yes
4. Universal mandated reporting	No
5. Required training for mandated reporters	Yes, some mandated reporters
6. Penalties for failure to report	Yes, all mandated reporters
7. Specific penalties for failure to report	
a. Criminal charges	Yes
b. Civil charges	Yes
c. Professional licensure suspended or revoked	Yes
d. Other (specify)	No
8. Penalties for false reporting	Yes
9. Specific penalties for false reporting	
a. Criminal charges	Yes
b. Civil charges	No
c. Professional license suspended or revoked	Yes
d. Other (specify)	No
e. Unknown	No
10. Immunity for reporters of child abuse and neglect	Yes
11. Information requested at the time of report	
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 III.A (continued)

	Response
j. Other (specify)	Yes - Any other information which the commissioner of the Office of Children and Family Services may, by regulation, require
12. Anonymity of reporter	
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
13. Tribal involvement in accepting reports of tribal cases	
a. Tribes are not involved	Yes
b. Tribes accept reports (specify tribes)	No
c. Collaboration of tribes with state/local public child welfare agency accept reports (specify tribes)	No
d. Unknown	No

Table III.B. Types of mandated reporters

	Response	Response	Response
1. Types of mandated reporters	Included in state's definition of mandated reporters	Training required ¹	Subject to penalties for failure to report ²
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	No	Yes
e. Child care staff	Yes	Yes	Yes
f. Camp counselors, directors, or administrators	Yes	No	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	No	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	No	Yes
m. Judges	No	Logical Skip	Logical Skip
n. District attorneys or other attorneys	Yes	No	Yes
o. Guardian ad litem or Court-appointed special advocates	No	Logical Skip	Logical Skip
p. Other court personnel	Yes	Logical Skip	Yes
q. Shelter staff	Yes	No	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	No	Yes

Table III.B (continued)

<p>u. Other type of mandated reporter (specify)</p>	<p>Yes - Medical examiners or coroners; Christian Science practitioner; Employee or volunteer in a residential care facility for children that is licensed, certified or operated by the Office of Children and Family Services; Any other child care or foster care worker; 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, or such employees who provide home and community-based services under a demonstration program who are expected to have regular and substantial contact with children; Any person credentialed by New York State Office of Addiction Services and Supports</p>	<p>No</p>	<p>Yes - Hospital personnel engaged in the admission, examination, care or treatment of persons; Christian Science practitioner; Employee or volunteer in a residential care facility for children that is licensed, certified or operated by the Office of Children and Family Services; Any other child care or foster care worker; 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, or such employees who provide home and community-based services under a demonstration program who are expected to have regular and substantial</p>
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Table III.B (continued)

	Response	Response	Response
			contact with children

¹Responses 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 III.A.5).

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

²Responses in this column can equal logical skip with 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 III.A.6).

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

Domain S: Screening reports of child abuse and neglect

Table IV.A. Screening policies

	Response
1. Statewide centralized screening	Yes
2. How screening is decentralized	
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
3. Information required to screen in report	
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 IV.B. Screening Decision Process and Activities

	Response	Required cases	Conditions or types of cases
1. Decision processes used during screening			
a. Supervisory review	No	Logical Skip	—
b. Team-based decision	No	Logical Skip	—
c. Individual screener	Yes	Required for all	—
d. Other (specify)	No	Logical Skip	—
e. Unknown	No	—	—
2. Variability of decision process used for screening			
a. Consistent statewide	Yes	—	—
b. Varies locally	No	—	—
c. Unknown	No	—	—
3. Certain activities or information are required as part of screening	Yes		
4. Activities/information required as part of screening			
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 IV.B (continued)

	Response	Required cases	Conditions or types of cases
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 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
5. Types of safety/risk assessment used during screening			
a. Structured Decision Making	Logical Skip	—	—
b. Other (specify)	Logical Skip	—	—

Table IV.B (continued)

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

Table IV.C. Screeners

	Response
1. Screener of abuse and neglect reports	
a. Case workers (frontline staff)	No
b. Case managers (supervisors)	No
c. Staff in specialized screening unit	Yes
d. Other (specify)	No
2. Qualifications of screener	
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
3. Tribal involvement in screening process of tribal cases	
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. Unknown	No

Domain I: Investigations of child abuse and neglect

Table V.A. Investigations policies

	Response
1. Child maltreatment investigations lead to criminal penalties	Yes
2. Investigator for reports	
a. Case workers (frontline staff)	No
b. Case managers (supervisors)	No
c. Staff in specialized investigations unit	Yes
d. Law enforcement	No
e. Other (specify)	No
3. Qualifications of investigator	
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 Office of Children and Family Services 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
4. Level of evidence required for substantiation (founded/indicated/confirmed)	
a. Preponderance of evidence	No
b. Credible or substantial evidence	Yes
c. Probable or reasonable cause	No
d. Other (specify)	No

Table V.B. Required activities/information for investigation

	Response	Required cases	Conditions or types of cases
1. Certain activities/information required for the investigation process	Yes		
2. Specific activities or information required for investigation			
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	No	Logical Skip	Not applicable
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 V.B (continued)

	Response	Required cases	Conditions or types of cases
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; Determination of the name, age and condition of the children in the home; Seeing to the safety of the child or children; 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); 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; 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 VI.A. Differential or alternative response

	Response
1. Differential/alternative response	
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
2. Types of maltreatment eligible for differential/alternative response	
a. All types of maltreatment are eligible	No
b. Only certain types of maltreatment are eligible	Yes
c. Unknown	No
3. Types of maltreatment <u>not</u> eligible for differential/alternative response	
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
4. Eligibility for differential/alternative response determined by a risk determination	
a. No	No
b. Yes	Yes
c. Other (specify)	No
d. Unknown	No
5. Tools used to determine risk for differential/alternative response	Yes - Safety assessment; Risk assessment
6. Risk level eligible for differential/alternative response	
a. No risk	No
b. Low risk	No
c. Moderate risk	No
d. Other (specify)	Yes - Determination that each child named in the Child Protection Services (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
7. Other types of cases or conditions eligible for differential/alternative response	
a. No immediate safety concerns	Yes

Table VI.A (continued)

	Response
b. No prior reports of child abuse or neglect	No
c. Other (specify)	Yes - The Local Departments of Social Services 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
8. When is determination made for differential/alternative response	
a. At time of screening to screen-out to differential response	No
b. After a report is screened-in	Yes
c. Other (specify)	No
9. Referrals to community services for cases engaged in differential response	
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 VI.B. In-home services and foster care

	Response
1. In-home services provided for unsubstantiated cases to maintain intact families	
a. No	No
b. Yes—implemented statewide	Yes
c. Yes—implemented in specific counties or regions	No
d. Unknown	No
2. In-home services provided post reunification	
a. No	No
b. Yes—implemented statewide	Yes
c. Yes—implemented in specific counties or regions	No
d. Unknown	No
3. Tribal involvement in foster care for tribal cases	
a. Tribes do not provide foster care	No
b. Tribes provide foster care (specify tribes)	Yes - St Regis Mohawk Tribe
c. Unknown	No
4. Foster care extension for those older than 18 years	Yes
5. Age youth are allowed to remain in extended foster care	
a. Age 21	Yes
b. Other (specify)	No
6. Foster care case management staff	
a. State/county public agency staff	Yes
b. Contracted provider staff	Yes
c. Tribal agency staff	Yes
d. Unknown	No
7. Qualifications of foster care case managers	
a. Associate's 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 VI.B (continued)

	Response
f. Other (specify)	Yes - New York State does not have qualification standards. Such standards may be set at the county level by local departments of social services. Each CPS must maintain a sufficient level of staff who are sufficiently qualified and trained, as specified by Office of Children and Family Services (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

Table VI.C. Permanency

	Response
1. Kinship guardianship as a permanency option	Yes
2. Subsidized guardianship	Yes
3. Subsidized kinship guardianship	Yes
4. Subsidized adoption	Yes

Domain C: Child welfare system context

Table VII.A. Child welfare system context

	Response
1. State or county-administered child welfare system	
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
2. State operates under legal consent decree or other court-ordered monitoring	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 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.

Not all parental drug use is considered abuse or neglect, because as a result of the drug use/abuse, "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 the exercise of 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 causes them to have reasonable cause to suspect that a child is an abused or maltreated child. All other mandated reporters are required to 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 residential care facility for children 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—need this training as part of their licensing requirement. 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, except that these requirements may be waived by the Office of Children and Family Services where they have created a barrier to hiring suitable staff. Non-supervisory CPS workers must have a baccalaureate degree and/or relevant human services experience.

Investigations

Identified investigation activities are required for all reports. However, the evaluation of the home environment or home study may differ depending on the allegations contained in the report, the information found in the record review, and the information received 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, except that these requirements may be waived by the Office of Children and Family Services where they have created a barrier to hiring suitable staff. Non-supervisory CPS workers must have a baccalaureate degree and/or relevant human services experience.

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