

## SCAN Policies Database State Profile 2023: 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.

---

### 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 2023 represents data collected, reviewed, and verified between June 2023 and July 2024. The data reflect the state definitions and policies for the calendar year 2023. 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

---

## State profile

This SCAN Policies Database state profile is a summary of the information collected about the definitions and policies for the identified state. Each of the six domains contain 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. Some information was not included in the state profile to ensure alignment with Executive Orders or other Presidential Actions.

---

## 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, including information about changes to the data between 2021 and 2023 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. There are separate codebooks to summarize the data from each round of data collection.
- **Errata statement:** The errata statement presents corrections applied to previous rounds of data for the SCAN Policies Database. Starting in 2023, there is one errata statement that is updated and applicable for all rounds of data collection for the SCAN Policies Database.
- **Data collection protocol:** The protocol has the questions used to collect information about states' laws and policies as part of the data review and coding process for each round of data collection. 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/>).

---

## 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
State abbreviation	NY
State Federal Information Processing Standard (FIPS) code	36
Census region code	Northeast
State verified coding of information	Yes
State confirmed documents reviewed	Yes
State definitions and policies for calendar year	2023
Data version	2023v1

## Domain D: Definitions of child maltreatment

Table D.I. 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	No
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	No
x. Factitious disorder by proxy	Yes
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
<b>2. Subtypes of maltreatment included in state definition</b>	
a. Subtypes of maltreatment considered abuse	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

Table D.I. (*continued*)

	Response
b. Subtypes of maltreatment considered neglect	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, misuse of drugs or alcohol, misuse of drugs or alcohol, shaken baby syndrome, and abusive head trauma could constitute 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
<b>4. Differences in level of harm included in state's definition of child maltreatment by type of maltreatment</b>	Yes - Definition of maltreatment 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 person	No
b. Parent	Yes
c. Guardian	Yes
d. Caregiver/caretaker	Yes
e. Family member or parent's paramour	No
f. Household member	Yes
g. Person responsible for child	Yes

Table D.I. (*continued*)

	Response
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 D.II. Child maltreatment definition exemptions

	Response
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, if 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 and safe surrender laws	Yes
d. Infant testing positive for drugs – medical; newborn with positive test for controlled substance due to 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 or designated providers	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 D.III. Definitions and response for child fatalities and near-fatalities cases**

	Response
<b>1. State's definition of fatalities or deaths caused by child maltreatment</b>	
a. Not specified or 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 who was in child welfare custody or foster care	Yes
e. Other (specify)	Yes - Death of a child for whom any local department of social services or a voluntary authorized agency has an open child protective or preventive services case
<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>	Yes, reviews are required for all or some cases
<b>3. State's definition of near-fatalities or near-deaths caused by child maltreatment</b>	
a. Not specified or defined	No
b. General reference to a serious or critical condition or injury that is life threatening with a substantial risk of death	Yes
c. Specific injury or specific medical treatment or intervention (specify)	No
d. Other (specify)	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>	Yes, reviews can be conducted but are not required

## Domain R: Reporting child abuse and neglect

Table R.I. Reporting policies

	Response
<b>1. Statewide centralized reporting</b>	Yes
<b>2. Decentralized reporting</b>	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
<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 and contact information of child and family	Yes
c. Type and 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 or household members	Yes
i. Information on prior maltreatment	Yes
j. Other (specify)	Yes - Any other information which the commissioner of the Office of Children and Family Services (OCFS) may, by regulation, require

Table R.I. (*continued*)

	Response
<b>12. Anonymity of reporter</b>	General public (not mandated reporters) can remain anonymous
<b>13. Tribal involvement in state or local public child welfare agency's process to accept reports of Tribal cases</b>	Yes, Tribes directly accept reports - Saint Regis Mohawk Tribe
<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
<b>15. Accepts reports of risk without an allegation of child maltreatment (risk-only reports)</b>	No

**Table R.II. Types of mandated reporters**

	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>
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. Guardians 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	Yes

Table R.II (*continued*)

	Response	Response	Response
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 R.II). Responses in this column can be yes when a state has universal mandated reporting (Table R.I) and all mandated reporters require training (Table R.II).

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

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

Table S.I. Screening policies

	Response
1. Statewide centralized screening	Yes
2. How screening is decentralized	Logical Skip
3. Information required to screen in report	
a. Identifying information of child	No
b. Location and contact information of child and family	No
c. Type and 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) within the jurisdiction in New York State based on residence of child and/or alleged subject and where the alleged maltreatment took place (8) with sufficient demographic information to locate the alleged subject and so Child Protective Services can initiate an investigation

**Table S.II. Screening decision process and activities**

	Response	Required cases	Conditions or types of cases
<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	—	—
<b>3. Certain activities or information are required as part of screening</b>	Yes		
<b>4. Activities or 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
c. Other (specify)	Yes - When a CPS using Family Assessment Response (FAR) receives a new report, staff confirm the report is within the LDSS's jurisdiction and uses the LDSS screening protocol to determine whether the report is eligible for the FAR track and decide on investigation or FAR track; In certain cases, LDSS also informs law enforcement or a supervisor offers the reporter a consultation	Required for some	LDSS contacts law enforcement when there is an allegation of maltreatment resulting in physical harm, when the report is made by a mandated reporter and there have been two other indicated or pending reports made within the last six months that involve the same child, sibling, or other children in the household, or the subject of the report); If the report is going to be screened out (does not meet criteria to be registered), a SCR supervisor offers the reporter a consultation
<b>5. Types of safety or risk assessment used during screening</b>			
a. Structured decision making	Logical Skip	—	—
b. Other (specify)	Logical Skip	—	—
<b>6. Consistency of screening activities/information</b>			
a. Consistent statewide	Yes	—	—
b. Varies locally (specify)	No	—	—

**Table S.III. Screeners**

	Response
<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)	Yes - Training is unspecified
e. Years of experience (specify)	Yes - 2 years of experience in the direct provision of child welfare programs with an associate's degree; 4 years of experience in the direct provision of child welfare programs
f. Other (specify)	No
<b>3. Degree in social work or related field for screeners</b>	Yes, recommended or preferred, but not required
<b>4. Tribal involvement in state or local public child welfare agency's process to screen Tribal cases</b>	Yes, Tribes directly conduct screening - Saint Regis Mohawk Tribe

## Domain I: Investigations of child abuse and neglect

Table I.I. Investigations policies

	Response
<b>1. Findings from child maltreatment investigations can lead to criminal penalties</b>	Yes
<b>2. Investigator for reports</b>	
a. Caseworkers (frontline staff)	Yes
b. Case managers (supervisors)	Yes
c. Staff in specialized investigations unit	No
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)	Yes - Basic approved training program within three months of employment and annual in-service training beginning in the second year of employment
e. Years of experience (specify)	Yes - 2 years of experience of relevant child welfare services experience for CPS supervisors; Unspecified relevant human services experience for non-supervisory workers, depending on degree
f. Other (specify)	No
<b>4. Degree in social work or related field for investigators</b>	Yes, recommended or preferred, but not required
<b>5. Level of evidence required for substantiation (founded/indicated/confirmed)</b>	Preponderance of evidence
<b>6. Investigation determination can result in an "inconclusive" finding</b>	No

**Table I.II. Required activities/information for investigation**

	Response	Required cases	Conditions or types of cases
<b>1. Certain activities or 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	Yes	Required for some	CPS units evaluate whether a medical exam is needed when a child named in a report has been physically abused or neglected, failed to thrive, lacks necessary medical care, where an examination is crucial for completing an investigation, or where the child requires immediate treatment
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 I.II (*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 (CONN) 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 W.I. Differential or alternative response

	Response
<b>1. Differential/alternative response</b>	Yes--implemented in specific counties or regions - 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
<b>2. Types of maltreatment eligible for differential/alternative response</b>	Only certain types of maltreatment are eligible
<b>3. Types of maltreatment <u>not</u> eligible for differential/alternative response</b>	
a. Cases involving child fatalities and near-fatalities	Yes
b. Substance-exposed infants	No
c. Physical abuse	Yes
d. Sexual abuse	Yes
e. Neglect	No
f. Abandoned infants	Yes
g. Other (specify)	Yes - Failure to thrive; Abandonment; Severe or repeated abuse; Sexual exploitation; Any allegations of abuse
<b>4. Eligibility for differential/alternative response determined by a risk determination</b>	Yes
<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
<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

Table W.I. (continued)

	Response
d. Other (specify)	Yes - The local department of social services (LDSS) is responsible for establishing protocol that specifies the types of allegations of maltreatment and situations that the CPS will or will not consider for potential assignment to FAR. The LDSS 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 that does not rise to the level of abuse, (8) failure to provide minimum level of care for children due to misuse of alcohol or drugs.
<b>8. When is determination made for differential/alternative response</b>	
a. At the time of screening to assign to differential response	No
b. After a report is screened in	Yes
c. Other (specify)	Yes - At intake a report is flagged as eligible for differential response if certain criteria are met. However, local departments of social services must use their own procedures and criteria to make a final assignment of the report to differential response.
<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	Yes
d. Yes - when there is a determination of risk	Yes
e. Yes - other (specify)	No

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

	Response
<b>1. In-home services provided for unsubstantiated cases to maintain intact families</b>	Yes--implemented statewide
<b>2. In-home services provided post reunification</b>	Yes--implemented statewide
<b>3. Permanency</b>	
a. Kinship guardianship as a permanency option	Yes
b. Subsidized guardianship	Yes
c. Subsidized kinship guardianship	Yes
d. Subsidized adoption	Yes
<b>4. Foster care case management staff</b>	
a. State/county public agency staff	Yes
b. Contracted provider staff	Yes
c. Tribal agency staff	No
<b>5. 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
f. Other (specify)	Yes - New York State does not have qualification standards. Such standards may be set at the county level by the local departments of social services. 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.
<b>6. Degree in social work or related field for foster care case managers</b>	Logical Skip

**Table W.III. Tribal foster care and Tribes that directly operate Title IV-E programs through an agreement with HHS**

	Response
1. Tribal involvement in foster care for Tribal cases	Yes, Tribes within state provide foster care - Saint Regis Mohawk Tribe
2. Tribes directly operate a Title IV-E program through an agreement with US HHS	No
3. Number of Tribes that directly operate a Title IV-E program through an agreement with US HHS	Logical Skip
4. Specify Tribes that directly operate a Title IV-E program through an agreement with US HHS	Not applicable

**Table W.IV. Indian Child Welfare Act (ICWA)**

	Response
1. Federal ICWA requirements codified in state law	Yes
2. Federal ICWA requirements that are codified in state law	
a. Identifying a child's Tribal status	Yes
b. Use of active efforts to prevent removal/reunite families	Yes
c. Notification of child's parents and Tribe for child custody proceedings	Yes
d. Actively working to involve a child's parents and Tribe during the custody proceedings	No
e. Identifying a foster care or pre-adoptive placement using ICWA preferences provisions	Yes
f. Use of qualified expert witnesses	Yes
3. State law codifying ICWA includes state-recognized Tribes	Yes

**Table W.V. Extended foster care**

	Response
<b>1. Foster care extension for youth older than age 18</b>	Yes
<b>2. Age youth are allowed to remain in extended foster care</b>	Up to age 21 (until 21st birthday)
<b>3. Youth must proactively request, provide consent, or opt-in to receive extended foster care</b>	Yes
<b>4. Criteria for youth to remain in extended foster care</b>	
a. There are no criteria to remain in extended foster care	Yes
b. Enrolled in school	No
c. Employed	No
d. Participating in workforce development/training program	No
e. Comply with independent living/self-sufficiency plan	No
f. Receive independent living or other services	No
g. Medical condition exemption	No
h. Other (specify)	No
<b>5. Reentry to extended foster care allowed for youth older than age 18 who aged out or left foster care</b>	Yes
<b>6. Conditions for youth to reenter extended foster care</b>	
a. Youth consent or sign a voluntary placement agreement	Yes
b. Youth develop an independent living plan	No
c. It is in the best interest of the youth	Yes
d. Other (specify)	Yes - No reasonable alternative to foster care; A compelling reason for such former foster care youth to return to foster care; Re-entry motion filed within 24 months from the date of first final discharge that occurred on or after the youth's 18th birthday; Youth is participating in workforce development/training program

## Domain C: Child welfare system context

Table C.I. Child welfare system context

	Response
1. State- or county-administered child welfare system	County-administered
2. State operates under legal consent decree or other court-ordered monitoring	No

## Supplemental Notes on State

### Definitions

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 prenatal exposure to drugs or alcohol, the New York State Statewide Central Register of Child Abuse and Maltreatment does not register a report based on an infant's positive toxicology if the infant's birthing parent is compliant with a drug treatment program or is under the care and supervision of a doctor and is using the drugs as prescribed and is demonstrating an ability to care for the infant. Nor does the state register a report if the only reported concern is that an infant tests positive for the presence of cannabis or alcohol without a demonstrated effect on the infant. An additional element that addresses either harm or imminent risk of harm is required when registering a report.

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 a parent is compliant with a drug or substance abuse treatment program, then a report cannot be indicated solely on the basis of a positive toxicology. If a 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.

State statute defines "person legally responsible (PLR)" as the child's custodian, guardian, and any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

Religious observance can be considered an exemption if parents object to 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."

### Reporting

All mandated reporters are required to report when a parent, child or other person legally responsible comes before them in their professional capacity and provides, from personal knowledge, information on facts or circumstances that create for the mandated reporter a reasonable cause to suspect a child is abused or maltreated. In addition, social services workers are only 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.

State statute 413 includes "full or part-time compensated school employee required to hold a temporary coaching license or professional coaching certificate" as a mandated reporter; this is included under the school staff reporters.

For mandated reporters, shelter staff are employees of a publicly funded emergency shelter for families with children. Additionally, volunteers include those in a children's residential care facility 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 standards for training programs for mandated reporters. Every mandated reporter is required, by law, to take at least one 2-hour training. Recent legislation requires all mandated reporters to take an additional training on recognizing child abuse and maltreatment in children with intellectual or physical disabilities and a training that includes protocols to reduce implicit bias in the decision-making processes, strategies for identifying adverse childhood experiences, and guidelines to assist in recognizing signs of abuse or maltreatment while interacting virtually.

### **Screening**

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

### **Child welfare response**

State law prohibits assigning a report to Family Assessment Response (FAR) when the subject is alleged to have:

1. Committed an act of incest;
2. Allowed a child to engage in acts of sexual performance or sexual conduct;
3. Committed assault against a child.

FAR cannot be used for reports involving a foster boarding home or when abuse or maltreatment allegedly occurred during child day care.

## State Statutes and Policy Documentation Sources

Child protective service: Responsibilities and organization, 18 NYCRR 432.2 (2014).

Criminal procedure law, N.Y. Fam. Ct. § 303.1 (1983).

Definitions, N.Y. Code 441.2 § (2019).

Duties of the child protective service concerning reports of abuse or maltreatment, N.Y. Soc. Serv. Law SOS § 424 (2021).

Motion to return to foster care placement, N.Y. Fam. Ct. § 1091 (2021).

New York State Office of Children and Family Services. (n.d.) ODEIA Policy Author's Guide.

New York State Office of Children and Family Services. (2017). Implementing Federal and Corresponding State Indian Child Welfare Act Regulations.

New York State Office of Children and Family Services. (2019). Foster care practice guide for caseworkers and supervisors.

New York State Office of Children and Family Services. (2022). Child protective services manual.

New York State Office of Children and Family Services. (2023). Summary guide for mandated reporters in New York State.