
APPENDIX A

NEW YORK STATE'S CHILD PROTECTIVE SERVICES SYSTEM

WHAT HAPPENS WHEN A REPORT IS MADE

The Social Services Law mandates that the local child protective service investigate reports and provide, or arrange for, and monitor rehabilitative services for children and their families. The Child Protective Service (CPS) has cooperative working relationships with a wide variety of agencies, particularly those involving mandated reporters, to ensure the successful operation of its program.

INVESTIGATION

The goal of the investigation is to determine whether credible evidence of abuse or maltreatment exists. The investigation is a fact-finding process that includes interviewing, observing, and information gathering. The child protective service will make contact with those people who will be able, by the nature of their relationships with the children and family, to give the most relevant information. These contacts include, but are not limited to, the following: the source, the children, the parents or persons legally responsible, school personnel, physicians, health professionals, service providers, relatives, and neighbors. For court proceedings the mandated reporter's testimony and records may be required.

The mandated reporter will be contacted by CPS, for the following purposes:

- to clarify the role and purpose of CPS;
- to clarify information contained in the report and the caseworker's understanding of the situation;
- to provide the source with the opportunity to complete DSS-2221-A if it has not yet been received by CPS;
- to obtain additional information about the child(ren), his/her condition, whereabouts, etc.;
- to obtain assistance in establishing a helping relationship with the subject(s) of the report; and
- to encourage on-going communication between the source and CPS.

The mandated reporter may also initiate contact with CPS once the report has been made.

The mandated reporter can assist in the investigation process by providing CPS with any information (s)he has available that will clarify and supplement the information contained in the report, and provide a better understanding of the child's condition and/or the family's functioning. In cooperating with CPS in an on-going investigation, it may be helpful to both the mandated reporter and CPS to establish an agreement regarding some or all of the following issues:

- the sharing of information;
- the facilitation of interviews with the subject of the report;
- the notification of the status of the report;
- the release of information to CPS; and
- the mandated reporter's future involvement in the case.

The investigation is a crucial step in the overall CPS process because the information obtained during the investigation determines, to a large extent, the subsequent actions or lack of actions taken by CPS in the case.

DETERMINATION/ASSESSMENT AND SERVICE PLANNING

The final step in the investigation process is the determination of whether the report is "indicated" or "unfounded." This determination must be made within 90 days of receipt of the oral report. Unless an investigation determines that some credible evidence of abuse or maltreatment exists, the report is unfounded and all information identifying the subjects of the report is expunged. If an investigation determines that some credible evidence of abuse or maltreatment exists, the report is indicated (i.e., substantiated) and the family is offered appropriate services.

"Some credible evidence" is needed to support an indication of child abuse or maltreatment. Some credible evidence is evidence worthy of belief. It may be either direct evidence which includes the results of the caseworker's interviews and observations or information which has been gathered from other sources: medical records, school records, police and other agency records. After the facts are gathered, they should be compared to the statutory definitions of abuse and maltreatment. Upon consideration of the facts and the legal definitions, a decision should be made whether there is some credible evidence of child abuse and maltreatment.

If the report is indicated, an appropriate rehabilitative service plan for the child and/or family must be developed that would include those services necessary to safeguard and ensure the child's well-being and development and to preserve and stabilize family life.

When a service plan is developed it should include, but not be limited to:

- description of problems;
- assessment of individual problems and needs;
- goals to be achieved;
- services to be provided to attain the goals;
- tasks to be performed by family members and/or service provider(s); and
- expected duration of services.

When a case is unfounded, child protective services will no longer be involved with the family except to the extent of referring the family to specific providers, as appropriate.

In addition, a service plan may be developed and necessary services will be provided prior to reaching a determination when CPS, during the course of its investigation, assesses the need for such services.

The mandated reporter, acting in his or her professional capacity, can play an important role in both the assessment and service planning processes. The expertise of professionals such as physicians, psychiatrists, psychologists, nurses, educators, etc., is extremely helpful in rendering decisions regarding the future activity to be conducted on a child abuse or maltreatment case. For example, (s)he may individually evaluate the child and/or family and provide CPS with a diagnostic understanding of the problems present within the family. Such evaluations include medical, psychological, psychiatric, and developmental evaluations conducted by specialists in the field. Mandated reporters may also participate on a multi-disciplinary team that jointly evaluates the information regarding the child and/or family and collaborates to provide CPS with recommendations for defining problems/stresses within the family and/or developing an appropriate rehabilitative service plan.

Finally, the mandated reporter may request at the time of making a report, or any time thereafter, the findings of the CPS investigation. This will permit the mandated reporter to ascertain whether the report was determined to be indicated or not.

SERVICES PROVISION AND MONITORING

In implementing a rehabilitative service plan, CPS has several options in providing services. They may be provided directly by CPS or CPS may arrange for and monitor services to be provided through: (1) referrals to other units within DSS; (2) referrals without cost to other agencies; and/or (3) the purchase of service from other agencies. Such services may be provided during the investigation period, prior to determination and after a report is indicated.

Finally, in some cases of child abuse and neglect in which the child's injuries are severe, there is a history of past abuse, and the parents refuse services offered by the CPS, or their cooperation is insufficient, CPS must turn to the family court for assistance. In such cases, the role of the family court is to impose a treatment or protective service measure on the parents. The family court depends on CPS and other agencies to bring to its attention cases of child abuse and neglect. However, the decisions on cases in family court can be made only on the basis of information presented to the court. The adjudicatory and dispositional process of family court rests upon the evidence discovered during the investigation by CPS and its effective presentation in court. Mandated reporters and service providers who play an integral part in the investigation and treatment processes may be called as witnesses to testify in family court. However concerned about the safety of the child, such witnesses are frequently apprehensive about how their testimony will affect their relationship with the family and are ambivalent about testifying voluntarily. In such instances, the court may subpoena the witness to appear in court, thereby affording some protection to the client-worker relationship. Additionally, the county attorney representing the local child protective service should prepare witnesses for testifying and answer questions they may have.

Relatively few cases are brought to the attention of the family court. However, when such action is taken by CPS, the support and assistance of mandated reporters and service providers is necessary to present a case in court.