

NEW YORK STATE

DEPARTMENT OF SOCIAL SERVICES

40 NORTH PEARL STREET, ALBANY, NEW YORK 12243

BARBARA B. BLUM
Commissioner



[An Informational Letter informs local districts of potential developments in the Social Services field, or of actual or potential developments in collateral fields of interest]

INFORMATIONAL LETTER

TRANSMITTAL NO.: 81 INF-20
[Services]

TO: Commissioners of Social Services

SUBJECT: Child Abuse and Maltreatment Reports
by Mandated Reporters as Evidence

DATE: September 28, 1981

SUGGESTED DISTRIBUTION: Commissioner
Directors of Services
All Child Protective Services Staff
County Attorneys/Social Services Attorneys

CONTACT PERSON: Any questions regarding this release should be directed to Mr. H. A. Harkess, Office of Policy Planning, Division of Services, phone 1-800-342-3715, extension 4-9574.

I. PURPOSE

The purpose of this letter is to inform local districts of Chapter 64 of the Laws of 1981 which amends section 1046 of the Family Court Act to correct an outdated reference to a repealed section of Social Services Law and to clarify Family Court Act provisions relating to the admissibility as evidence in Family Court child protective proceedings of child abuse and maltreatment reports submitted by mandated reporters.

II. BACKGROUND

In 1973, New York State enacted the Child Protection Act. This act revised and consolidated the then several and widely separated sections of that law relating to child abuse and maltreatment. At the time of this revision, the former provisions of the Social Services Law relating to child abuse and neglect were repealed, among them Section 383-a which defined those persons who were required to report "suspected or actual cases of child abuse or neglect." New requirements for reporting child abuse and maltreatment appeared in a new Section 413.

FILING REFERENCES

Previous INFs/ADMs	Dept. Regs.	Social Services Law and Other Legal References	Bulletin/Chapter Reference	Miscellaneous References
		SSL 413 SSL 415 FCA 1046		

DSS-329 (Rev. 5/78)

The 1973 revision also added a provision, in Section 415 of the Social Services Law, that written reports from persons required to report were to be admissible as evidence in proceedings relating to child abuse or maltreatment. This provision in Section 415 conformed Social Services Law to provisions in Section 1046 of the Family Court Act that had made the mandated reports previously made under the old Section 383-a of the Social Services Law admissible as evidence in child protective proceedings. Through an oversight, however, the Family Court Act Section 1046 reference to the repealed Section 383-a of Social Services Law was not amended to reflect the new reporting provision in the new Section 413 of the Social Services Law.

Chapter 64 of the Laws of 1981 corrects this error by deleting the reference to Section 383-a and replacing it with the appropriate reference to Section 413 of Social Services Law.

III. PROGRAM IMPLICATIONS

This amendment makes no change to current practice. The written report submitted by a mandated reporter (DSS 2221) shall continue to be admissible as evidence in child protective proceedings. The only effect of this amendment to Section 1046 of the Family Court Act is to make clear the already existing intent of the law.

IV. RECOMMENDATIONS

None



Norris Phillips
Deputy Commissioner
Division of Services