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Section: THREE  
Chapter: TWENTY-FIVE

SUBJECT: Investigation of Child Abuse or Neglect  
ISSUE DATE: 03-25-16  
REFERENCE: 50.3, 50.4

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**I. POLICY**

- A. Police are among those who are mandated to report or cause a report to be made whenever they have reason to believe that a child is abused or maltreated. It is the policy of the Palmyra Police Department to conduct an expeditious and thorough investigation of any incident which may involve endangering the welfare of a child, child abuse, or child maltreatment and to cooperate fully with the Wayne County District Attorney's Office, the Department of Social Services' Child Protective Services and the County Attorney's Office to ensure that this goal is achieved.

**II. DEFINITIONS**

- A. Abused Child: is a person under the age of 18 years whose parents, or other persons legally responsible for his care, inflicts or allows to be inflicted physical injury or a substantial risk of death, serious disfigurement or possible impairment or physical or emotional health. An abused child is one whose parents, or other persons legally responsible, allows a sex offense as defined in Article 130 of the Penal Law to be committed or commits incest, encourages prostitution, or allows a child to engage in a sexual performance. (Section 1012, Family Court Act)
- B. Neglected or Maltreated Child: is one whose physical, mental or emotional condition has been impaired or may be impaired as a result of a parent, or other person legally responsible for his care, to fail to supply the child with food, clothing, shelter or compulsory education, or medical, dental, eye or surgical care. Or by causing harm or substantial risk thereof by use of excessive corporal punishment or by misusing drugs or alcohol so that he or she loses self-control of his actions and can not care for the child, or by abandoning the child. (Section 1012, Family Court Act; Section 412, Social Services Law)

**Note:** persons defined as "legally responsible for care" shall include but are not limited to; parents, guardians, day care centers, in home day care providers, or any person continually or at regular intervals found in the same household as the child. This term shall not apply to teachers or baby-sitters however those parties can be subject to charges of endangering the welfare of a child, assault, etc.

**III. PROCEDURES**

- A. The purpose of the mandatory reporting statute is to identify suspected abused and maltreated children as soon as possible so that the child can be protected from further harm and to offer services to assist the families.
- B. All incidents of child abuse or maltreatment will be reported on an Incident Report. The investigating officer will also complete a NYS Department of Social Services Form DSS 2221-A (attachment A), *Report of Suspected Child Abuse or Maltreatment*.

- C. Officers completing Form DSS-2221-A will immediately report the incident by telephone to Child Protective Services of the Wayne County Department of Social Services. The name of the person notified will be included in the Incident Report and on the DSS-2221-A form.

**Note:** *In the event that you are unable to make phone contact with the local office of Child Protective, officers will make telephone reports to the N.Y.S. Child Abuse and Maltreatment Hotline by calling 1-800-635-1522.*

- D. Officers shall take all appropriate measures to protect a child's mental and physical health. This includes taking the child into protective custody with or without the consent of a parent or guardian if there is reasonable cause to believe that the circumstances and conditions of the child are such that allowing the child to stay in the care or custody of the parent or guardian presents an imminent danger to the child's life or health.
- E. In the event a member of this Department takes a child into protective custody as outlined above, he/she must:
1. make immediate notification to Child Protective to make arrangements for temporary care and custody and;
  2. provide emergency medical care if necessary and;
  3. notify a supervisor of the circumstances and the taking into custody of the child,
- F. If immediate danger to the child is present, regardless of arrest actions, protective custody should be taken pursuant to the Social Service Law, Section 417.
- G. Officers will insure that photographs and/or physical evidence are obtained when appropriate.

**Note:** *Section 419 of the Social Service Law grants legal protection from liability for any official who in good faith, makes a report, takes photographs, or takes a child into protective custody. Those officials have immunity from any liability, civil or criminal. All persons who are required to report suspected child abuse are presumed to have done so in good faith as long as they are acting in the discharge of their official duties and within the scope of their employment and so long as their actions did not result from the willful misconduct or gross negligence of such person.*

- H. Notification to the Coroner's Office must be made when reasonable belief exists that a child has died as a result of child abuse or maltreatment. Any officer/person who fails to report a suspected child abuse may be guilty of a Class A misdemeanor and subject to civil fines.
- I. If the Department is notified about a suspected case of child abuse or maltreatment, and a DSS-2221-A has already been completed (by a hospital, doctor, or others) it will not be necessary to complete another form; however, officers shall note in the Incident Report that said form was completed and attach a copy, if possible.
- J. When conducting child abuse/maltreatment investigations, members may wish to confer with the Wayne County District Attorney's Office, County Attorney's Office and/or Child Protective Services for information and/or advice regarding the investigation.
- K. If a child abuse investigation results in an arrest, a copy of the completed case package will be forwarded to both the District Attorney's Office and Child Protective Services

- L. The original DSS-2221-A and a copy of the Incident Report, along with any other related documents, will be forwarded to Child Protective within 48 hours of the oral report.

By the Order of:

David B. Smith  
Chief of Police