

McKinney's Social Services Law § 415



Effective: [See Text Amendments]

McKinney's Consolidated Laws of New York Annotated [Currentness](#)

Social Services Law ([Refs & Annos](#))

Chapter 55 Of the Consolidated Laws

[Article 6](#). Children

[Title 6](#). Child Protective Services ([Refs & Annos](#))

→§ 415. Reporting procedure

Reports of suspected child abuse or maltreatment made pursuant to this title shall be made immediately by telephone or by telephone facsimile machine on a form supplied by the commissioner. Oral reports shall be followed by a report in writing within forty-eight hours after such oral report. Oral reports shall be made to the statewide central register of child abuse and maltreatment unless the appropriate local plan for the provision of child protective services provides that oral reports should be made to the local child protective service. In those localities in which oral reports are made initially to the local child protective service, the child protective service shall immediately make an oral or electronic report to the statewide central register. Written reports shall be made to the appropriate local child protective service except that written reports involving children in residential care, as defined in [subdivision seven of section four hundred twelve](#) of this title, or being cared for in a home operated or supervised by an authorized agency, the division for youth, or an office of the department of mental hygiene, shall be made to the statewide central register of child abuse and maltreatment which shall transmit the reports to the agency responsible for investigating the report, in accordance with [paragraph \(a\) or \(c\) of subdivision eleven of section four hundred twenty-two](#) or [section four hundred](#) twenty-four-b of this title, as applicable. Written reports shall be made in a manner prescribed and on forms supplied by the commissioner and shall include the following information: the names and addresses of the child and his or her parents or other person responsible for his or her care, if known, and, as the case may be, the name and address of the residential care facility or program in which the child resides or is receiving care; the child's age, sex and race; the nature and extent of the **child's** injuries, **abuse** or maltreatment, including any evidence of prior injuries, abuse or maltreatment to the child or, as the case may be, his or her siblings; the name of the person or persons alleged to be responsible for causing the injury, abuse or maltreatment, if known; family composition, where appropriate; the source of the report; the person making the report and where he or she can be reached; the actions taken by the **reporting** source, including the taking of photographs and x-rays, removal or keeping of the child or notifying the medical examiner or coroner; and any other information which the commissioner may, by regulation, require, or the person making the report believes might be helpful, in the furtherance of the purposes of this title. Written reports from persons or officials required by this title to report shall be admissible in evidence in any proceedings relating to child abuse or maltreatment.

CREDIT(S)

(Added L.1973, c. 1039, § 1; amended L.1985, c. 676, § 5; [L.1988, c. 545, § 1](#); [L.1988, c. 634, § 4](#).)

HISTORICAL AND STATUTORY NOTES

2003 Main Volume

L.1988, c. 634 legislation

L.1988, c. 634, § 4, eff. Sept. 1, 1988, without reference to the changes made by L.1988, c. 545, omitted language allowing for exception as provided by subd. 11 of section 422, inserted exception for written reports involving children in residential care or being cared for in a home controlled by an authorized agency, the division for youth,

McKinney's Social Services Law § 415

or an office of the department of mental hygiene, and made section gender neutral.

Amendment effective Sept. 1, 1988, pursuant to L.1988, c. 634, § 20, as amended, set out as a note under [Social Services Law § 412](#).

L.1988, c. 545 legislation

L.1988, c. 545, § 1, inserted provisions relating to reporting abuse by telephone facsimile machines.

L.1988, c. 545, § 4; amended L.1992, c. 32, § 44; L.1992, c. 39, § 1, eff. Apr. 1, 1992, provided:

"This act [amending this section and § 422] shall take effect January 1, 1989."

L.1985, c. 676 legislation

Amendment effective Aug. 1, 1985 pursuant to L.1985, c. 676, § 22, as amended, set out as a note under [Social Services Law § 413](#).

Former Sections

Former § 415, added L.1940, c. 619, § 4, which related to the removal of a member of a board of visitors of state institutions, was repealed by L.1971, c. 947, § 1.

LEGISLATIVE HISTORIES

L.1988, c. 634: For memorandum of the State Department of Social Services, see McKinney's 1988 Session Laws of New York, p. 2102.

CROSS REFERENCES

Falsely reporting an incident in the second degree, see [Penal Law § 240.55](#).

Records and discovery involving abuse and neglect, see [Family Court Act § 1038](#).

Reports admissible in evidence, see [Family Court Act § 1046](#).

NEW YORK CODES, RULES AND REGULATIONS

2003 Main Volume

Disposition of unfounded reports, see [18 NYCRR 432.9](#).

LAW REVIEW AND JOURNAL COMMENTARIES

Adjourning justice: New York State's failure to support assigned counsel violates the rights of families in child abuse and neglect proceedings. Sheri Bonstelle and Christine Schessler, [28 Fordham Urb.L.J. 1151 \(2001\)](#).

[New York Law on confidentiality of medical records--Part II. Robert Vilensky, 66 N.Y.St.B.J. 24 \(1994\)](#).

LIBRARY REFERENCES

2003 Main Volume

McKinney's Social Services Law § 415

Infants k13.5.

In a caselaw database, run TO(211) or 211k[add key number] to retrieve cases related to Infants.

RESEARCH REFERENCES

2005 Electronic Update

ALR Library

[7 ALR 3rd 1458](#), Applicability in Criminal Proceedings of Privilege as to Communications Between Physician and Patient.

Encyclopedias

[NY Jur. 2d, Domestic Relations § 1712](#), Subpoena of Records; Discovery Involving Child Abuse and Neglect, Generally.

[NY Jur. 2d, Evidence & Witnesses § 884](#), Statutory Abrogation of Privilege in Public Interest.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 223](#), Preventive Services.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 307](#), Generally.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 309](#), Prohibition Against Release of Information in Report of Child Abuse and Maltreatment.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 314](#), Generally.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 315](#), Persons and Officials Required or Permitted to Report.

[NY Jur. 2d, Public Welfare & Old Age Assistance § 319](#), Immunity from Liability.

Treatises and Practice Aids

[Carmody-Wait, 2d § 56:208](#), Exceptions to Privilege.

[Carmody-Wait, 2d § 56:220](#), Exceptions to and Limitations on Privilege.

[Carmody-Wait, 2d § 119A:71](#), Production Upon Demand of Records, Photographs, and Other Evidence for Inspection and Copying.

[New York Pattern Jury Instructions--Civil 2:227](#), Municipal Liability-Inadequate Supervision-Schools.

[5 New York Practice Series § 5:21](#), Exceptions.

[5 New York Practice Series § 5:22](#), Psychologists.

[5 New York Practice Series § 5:38](#), New York.

[10 New York Practice Series § 2:3](#), Reporting and Investigation of Abuse and Neglect.

NOTES OF DECISIONS

McKinney's Social Services Law § 415

Admissibility as evidence 1
Medical records 2

1. Admissibility as evidence

Caseworker's testimony as to statements made by sexual abuse defendant to caseworker as to his past conduct with his daughter were admissible under statute providing that written reports from officials or persons required by law to report suspected child abuse would be admissible in evidence in any proceeding relating to child abuse or maltreatment. [People v. Gwaltney, 1988, 140 Misc.2d 74, 530 N.Y.S.2d 437](#). Criminal Law  412.1(2)

2. Medical records

Hospital which files report of suspected child abuse or maltreatment is required by law to provide the medical records of the alleged victim to the investigating case worker from child protective services; the statute contemplates a prompt report of all pertinent information. [Schuyler County Dept. of Social Services by Balch v. Schuyler Hosp., Inc., 1989, 144 Misc.2d 250, 543 N.Y.S.2d 872](#). Infants  13

McKinney's Social Services Law § 415, NY SOC SERV § 415

Current through L.2005, chapters 4 to 104, 106 to 108, 111 to 148, 151 to 156, 158 to 160, 162 to 164, 166 to 174, 177, 193, 194, 197 and 222.

Copr © 2005 Thomson/West

END OF DOCUMENT