

Child Abuse or Maltreatment Reports to the Central Register

Must Include the Caller's Name and Contact Information

BACKGROUND

New York State maintains a statewide central register that receives telephone calls alleging child abuse or maltreatment. Some professionals – such as doctors, social workers, nurses, and school officials -- are mandated reporters. They are required by law to report alleged child abuse or maltreatment. According to the US Children's Bureau, in 2019, professionals submitted 68.6% of reports alleging child abuse and maltreatment.¹ Other reporters are voluntary reporters -- nonprofessionals such as neighbors and relatives -- who in 2019 submitted fewer than one-fifth of reports (15.7%).² A third group of reporters, unclassified sources, submitted the remaining reports (15.7%), a group that includes anonymous, "other," and unknown report sources.³ A recent analysis by the New York City Administration for Children's Services reported a 6% increase in the number of anonymous reports to the central register between the same time period for 2019 and for 2020.⁴

A referral to a central register may be screened in or screened out. Referrals that meet Child Protective Services agency criteria are screened in (and called reports) and receive an investigation or alternative response from the agency. Referrals that do not meet agency criteria are screened out or diverted from CPS to other community agencies. In 2019, New York accepted 163,917 referrals (reports); unfortunately, New York did not report to the Children's Bureau the number of referrals that were screened out.⁵ Among the 45 states that reported both screened-in and screened-out referrals (which does not include New York), 54.5% of referrals were screened in and 45.5% were screened out.⁶ According to a review of available state data, only 5% to 25% of all reports are substantiated, and mandated reporters make the majority of these calls.⁷

New York State law requires that the names of all reporters be kept confidential, allowing disclosure only under specified circumstances stated in the law. **State law does not provide for the acceptance of**

¹ US Children's Bureau. (2019). Child maltreatment. Available at: https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019_4.pdf

² US Children's Bureau. (2019). Child maltreatment. Available at: https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019_4.pdf

³ US Children's Bureau. (2019). Child maltreatment. Available at: https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019_4.pdf

⁴ New York City Administration for Children's Services. (2021). Flash Monthly Indicator Report. January 2021.

⁵ US Children's Bureau. (2019). Child maltreatment. Available at: https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019_4.pdf

⁶ US Children's Bureau. (2019). Child maltreatment. Available at: https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2019_4.pdf

⁷ Cecka, D.M. (2014). Abolish anonymous reporting to child abuse hotlines. Richmond School of Law. Available at: <https://scholarship.richmond.edu/cgi/viewcontent.cgi?article=2077&context=law-faculty-publications>

anonymous reports, that is, reports in which the caller does not give his/her/their name and contact information. The New York State Office of Children and Family Services, nevertheless, interprets the law as requiring the acceptance of anonymous referrals, and the central register currently accepts anonymous reports by voluntary reporters.

THE PROBLEMS POSED BY ANONYMOUS REPORTING

Anonymous callers represent a meaningful percentage of calls to central registers, yet their reports rarely are substantiated as child abuse or maltreatment.

As noted, federal data show that approximately one-sixth of all calls are made by anonymous or “unknown” reporters. One study that specifically analyzed data regarding anonymous public reports found that, nationally, 1.5% of all reports are both anonymous and substantiated.⁸ In New York, one study in the Bronx found that no anonymous reports resulted in the removal of a child for imminent danger.⁹

The reasons for this pattern may be two-fold. First, because there is no name or contact information for the reporter, CPS cannot obtain additional information from the reporter that may be essential in locating a child victim or substantiating abuse or maltreatment. Second, anonymous reporters may be more likely to make intentionally false reports as their anonymity protects them from any consequences. Although it is not possible to definitively state the number of intentionally false reports, research indicates that intentionally false reports are likely in the thousands each year with approximately 4% to 10% of sexual abuse reports being intentionally false.¹⁰

Anonymous calls are associated with over-reporting of child maltreatment which constitutes a significant drain on the child welfare system.

Given the extremely low percentage of reports by anonymous callers that are determined to involve actual child abuse or maltreatment, it has become clear that anonymous reporting leads to unnecessary investigations of families by an already overburdened system.

In the case of intentionally false reports, CPS must invest resources in investigating baseless allegations, diverting time and expertise needed to assess children and families where there is truly a significant risk of harm. Anonymous reporting poses a significant impediment to children receiving critical protective services.

The cost of investigating anonymous reports can only be estimated, but one method that can be used draws on data from multiple sources. A study in Minnesota published in 2018 found that on average, social workers conducting child abuse investigations spent an average of 19 hours

⁸ William, A. (1982). The dilemma of anonymous reporting in child protective services. 61 *Child Welfare* 3(11), 234-246.

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¹⁰ In Illinois in 2002, there were 3,772 intentionally false reports (Weaver, 2008). Thirty-six to fifty five percent of sexual abuse reports during and divorce and high conflict disputes are intentionally false (Fincham, 1994).

per case. The estimated cost per investigation in Minnesota was found to be \$1,090. These costs included personnel costs for social workers, case aids, and supervisors; report intake and screening; travel costs covering case workers' in-home visits with families; and any drug testing conducted over the course of the investigation.¹¹

In New York State, there were 167,881 reports of child abuse or maltreatment to the Central Register in 2017.¹² Of these reports, 24.0% were indicated.¹³ The remaining 127,609 reports were unfounded. If the Minnesota per-investigation cost data were applied to these New York State unfounded reports, the cost of these investigations would total \$128,758,481. If the federal data that show that 16% of all calls are anonymous or unknown are used in this analysis, the total cost of investigating 16% of the unfounded reports would total \$20.6 million.

Allowing anonymous reporting works against parents' constitutional rights and imposes emotional and financial burdens. The impact is even greater for families of color.

Anonymous reporting impacts parents' legal rights by initiating an investigation process – often involving poorly-informed or baseless/false allegations – that may violate parents' constitutional due process rights. Parents -- many of whom already may be coping with financial and emotional pressures as a result of poverty, unstable housing, food insecurity, and lack of social support – may find themselves under even greater stress as they struggle to address anonymously reported allegations that research makes clear are not likely to be substantiated. Children suffer when unnecessarily subjected to questioning, physical exams and at times temporary removal.¹⁴

The impact on families of color is particularly pervasive as African American families are reported at close to twice the rate of white families, and African American families are more likely to receive higher levels of intervention following a report.¹⁵ Numerous studies have found that reports of child abuse and particularly of neglect disproportionately target African American and low-income families.¹⁶ These calls largely revolve around issues of economic insecurity, such as lack of food and stable housing, rather than abuse.¹⁷ The striking inequities in health outcomes for African American mothers and children place them at greater risk of being reported to child protection authorities.¹⁸ Of great concern is that anonymous reporting can

¹¹ Minnesota Management and Budget. Child Welfare: Inventory and Cost Benefit Analysis. 2018. Available at: <https://mn.gov/mmb-stat/results-first/child-welfare-report.pdf>

¹² NYS Office of Children and Family Services. KWIC Indicator Narrative: Child abuse and maltreatment: Indicated report of child abuse and neglect. Available at: https://www.nyskwic.org/get_data/indicator_narrative_details.cfm?numIndicatorID=26

¹³ NYS Office of Children and Family Services. KWIC Indicator Narrative: Child abuse and maltreatment: Indicated report of child abuse and neglect. Available at: https://www.nyskwic.org/get_data/indicator_narrative_details.cfm?numIndicatorID=26

¹⁴ Raz, M. (2017). Preventing child abuse: Is more reporting better? Available at:

<https://ldi.upenn.edu/healthpolicysense/preventing-child-abuse-more-reporting-better>

¹⁵ Ards, S.D., et al. (2012). Racialized perceptions and child neglect. *Child Youth Service Review*, 34(8), 1480–1491.

¹⁶ Ards, S.D., et al. (2012). Racialized perceptions and child neglect. *Child Youth Service Review*, 34(8), 1480–1491.

¹⁷ National Institute for Health Quality. (2021). Our systems meant to help are hurting black families. Available at: <https://www.nichq.org/insight/our-systems-meant-help-are-hurting-black-families>

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shield reporters whose racial biases prompt them to report families of color under circumstances that would not cause them to report white families.

Anonymous reporting of foster families places greater burdens on families whose resources limit their ability to respond to baseless allegations.

Despite the valiant volunteer efforts of foster families to care for vulnerable children and youth in foster care, they often face harsh public scrutiny and questions about their motives and competence. Foster families in New York State must carry the full burden of liability insurance to protect them when baseless allegations are made against them because New York State does not reimburse insurance expenses for them. Many families cannot afford this additional expense and must respond on their own to allegations by unknown individuals whose own motives are uncertain. Foster families often face other financial burdens when they are required to take time away from work to address anonymously reported allegations in the investigation process. Emotional burdens in the form of family and community stress add to the financial impact that foster families experience. Foster families, by virtue of their service to children, deserve the protection of reporting requirements that identify the sources of allegations even when this information is held as confidential.

THE SOLUTION

Voluntary reporters who refuse to provide their names should not be allowed to call a central register, make an allegation, and end the call without giving any context or any information to the register. Confidentiality should be vigorously enforced and likely enhanced, but anonymity should be abolished. Each reporter should be assigned a unique identification number as is the practice with Crime Stoppers programs across the United States.¹⁹ Identification numbers would serve to protect the identities of all reporters, including mandatory reporters who are required by law to report and provide their identities as part of their report and who face the prospect of lawsuits and, in some cases, physical threats from clients.

New York State law should continue to mandate and enhance the confidentiality of child abuse and maltreatment reports, including the identity of the reporter. **New York State law should be amended to (1) require that the caller provide his/her/their name and contact information for a report to be accepted; and (2) require that each reporter (mandatory and voluntary) be provided a unique identification number to be held as confidential except under extreme circumstances.**

OTHER POLICY OPTIONS

1. Provide for greater criminal penalties and/or establish civil penalties for making a false report of child abuse or maltreatment

Under current law, Penal Law § 240.50(4), a person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed, or circulated to be false or

¹⁹ See, for example, Chesapeake Crimeline, <https://www.chesapeakecrimeline.org/how-it-works/>; Miami-Dade Crime Stoppers, <https://www.crimestoppersmiami.com/how-it-works>; Fairfax County, Virginia Crime Stopper, <http://www.fairfaxcrimesolvers.org/about-us.html>

baseless, he or she reports, by word or action, an alleged occurrence or condition of child abuse or maltreatment that did not in fact occur or exist to the statewide central register of child abuse and maltreatment or to any person required to report cases of suspected child abuse or maltreatment, knowing that the person is required to report such cases, and with the intent that such an alleged occurrence be reported to the statewide central register. Falsely reporting an incident is considered **only a class A misdemeanor**. It is within the discretion of the county's Office of the District Attorney to prosecute falsely reporting alleged child abuse or maltreatment. It is unclear to what extent, if any, prosecutions are brought in these situations in New York State counties.

Under current law, there are no civil penalties for falsely reporting child abuse or maltreatment. In the 2017-2018 Legislative Session, Senate Bill 2987 was introduced to establish civil penalties (not to exceed \$5,000 for a first violation and up to \$10,000 for a second and subsequent violations) for knowingly making a false report of suspected child abuse or mistreatment and to create procedures for determining whether such a violation has occurred.²⁰

2. Initiate a lawsuit challenging OCFS' legally unsupported interpretation of current law as requiring the acceptance of anonymous reporting

²⁰<https://www.nysenate.gov/legislation/bills/2017/S2987#:~:text=SUMMARY%20OF%20PROVISIONS%20%3A%20Section%201,and%20up%20to%20%2410%2C000%20for>