



Office of Children and Family Services

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Local Commissioners Memorandum

Transmittal:	17-OCFS-LCM-15
To:	Local District Commissioners
Issuing Division/Office:	Child Welfare and Community Services
Date:	August 28, 2017
Subject:	Statewide Central Register Jurisdictional Assignment of Sensitive Child Protective Services Intake Reports
Contact Person(s):	See section IV. Contacts
Attachments:	CONNECTIONS Tip Sheet – Implied Role/Cross District Access

I. Purpose

The purpose of this Local Commissioner's Memorandum (LCM) is to establish a consistent statewide procedure for assigning child protective services (CPS) intake reports that are sensitive. This will enable the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) to transmit sensitive reports to local departments of social services (LDSS) and CPS in a timely manner, protect the security of sensitive information, and avoid possible conflicts of interest.

II. Background

New York State Social Services Law (SSL) mandates that the SCR accept reports of suspected child abuse and/or maltreatment 24 hours a day, seven days a week, and transmit the reports immediately to the applicable CPS pursuant to SSL 422(2)(a). All records of reports to the SCR, CPS investigations, and Family Assessment Response (FAR) are confidential pursuant to SSL 422(4&5) and 427-a(5)(d). On occasion, however, the SCR becomes aware at the point of intake of a possible heightened need to protect the security of information contained within a report. This awareness may come from information provided by a caller or from prior case information noted in CONNECTIONS. In these instances, the SCR can mark the case "sensitive" in CONNECTIONS, an action that further protects the confidentiality of the records of the report by limiting access to the records in CONNECTIONS, mainly to those who are directly involved in addressing the report.

OCFS's *Child Protective Services Program Manual* (CPS manual) provides examples of such situations and discusses the issue in more detail (See the chapter on "Special Circumstances in Report Processing" in the CPS manual). There are two main categories of situations that warrant coding a report as sensitive. The first category includes cases that have received widespread attention from the public, such as a child fatality or near-fatality, that is prominent in the news, or cases in which the subject or other person named in the report is someone with a high profile, such as a celebrity or a public figure, whose case might garner attention and curiosity throughout the state.

A second category of situations that warrant coding a report as sensitive includes cases that are sensitive primarily within a specific LDSS in which the subject of a report is: a well-known person in the community where the LDSS is located, such as a political figure or agency head, a CPS worker, an LDSS employee who works with CPS staff, or a family member of a CPS worker or LDSS employee. In these situations, it is appropriate for the CPS of a different LDSS to address the report in order to avoid a conflict of interest or the appearance of a conflict of interest. The SCR will contact the LDSS where the potential conflict of interest exists in order for the LDSS to determine whether it prefers to have an alternate jurisdiction address the report on its behalf. For the SCR to transmit reports of this nature without delay, each LDSS needs to have a protocol in place for transmitting these reports to another LDSS.

III. Program Implications

Each LDSS is required to establish in writing a Sensitive Case Assignment Protocol identifying alternate arrangements with at least one neighboring jurisdiction for the handling of sensitive cases when an actual or potential conflict of interest exists and the LDSS determines that the investigation or family assessment response should be conducted by the CPS of another LDSS. This protocol will be used by the SCR 24 hours a day, seven days a week, and needs to contain, at a minimum, the following information:

1. The name of your LDSS
2. The name of the LDSS that will investigate or provide a family assessment response for a sensitive report assigned to your LDSS when your LDSS determines that addressing the report locally could create an actual or potential conflict of interest
3. The signature of the person in your LDSS approving the protocol
4. The signature of the person from the other LDSS who agrees that his/her CPS will investigate sensitive cases from your LDSS when a conflict of interest occurs
5. Any additional considerations pertaining to the assignment and transmission of sensitive reports

Each LDSS is required to electronically submit a Sensitive Case Assignment Protocol to its designated regional office in the Division of Child Welfare and Community Services and to the SCR within 90 days of the release of this LCM, using the contact information listed below. These documents will be kept on file and followed when the SCR is advised by an LDSS to assign a sensitive CPS report to an alternate LDSS.

Note: When a report is assigned to the CPS of another LDSS as primary, the LDSS with the underlying jurisdiction will not have access to the case record during the investigation unless there is legitimate purpose to having such access that would not contradict the

original conflict of interest decision that warranted the report being handled by an alternate LDSS. For further information about access to a case record, see CONNECTIONS Tip Sheet – *Implied Role/Cross District Access*.

Should an Article 10 action be necessary to address concerns identified during a CPS investigation, the originating LDSS will have the responsibility of bringing that action in Family Court. Family Court Act section 1015 controls the venue for family court actions and requires that a petition be filed in the county where the child resides or the county in which the person having custody of the child resides.

Nothing in this policy precludes an LDSS that receives a new report from marking a case sensitive and/or reassigning jurisdiction for the report in the instance in which the SCR did not recognize the report to be locally sensitive, but the LDSS identifies it as such. OCFS's *CONNECTIONS Case Management Step-By-Step Guide* provides direction on marking a case as "sensitive" (See Module 2, Family Services Intake). The LDSS may choose to use the protocols identified in its Sensitive Case Assignment Protocol or not in these instances, depending on what agreements it develops with neighboring jurisdictions.

IV. Contacts

Questions concerning this release should be directed to the appropriate regional office for the Division of Child Welfare and Community Services:

Buffalo Regional Office - Amanda Darling (716) 847-3145

Amanda.Darling@ocfs.ny.gov

Rochester Regional Office - Karen Buck (585) 238-8201

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Syracuse Regional Office - Sara Simon (315) 423-1200

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Albany Regional Office - John Lockwood (518) 486-7078

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Spring Valley Regional Office - Yolanda Désarmé (845) 708-2499

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New York City Regional Office - Ronni Fuchs (212) 383-1808

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Native American Services - Heather LaForme (716) 847-3123

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or

The New York Statewide Central Register of Child Abuse and Maltreatment – Ed Guidry
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