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Local Commissioners Memorandum

Section 1

Transmittal:	06-OCFS-LCM-01
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	March 1, 2006
Subject:	SCR Intake Procedures and the Designation of CPS Report Type
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Attachments:	No
Attachment Available On – Line:	n/a

Section 2

I. Purpose

The purpose of this memorandum is to advise Local Departments of Social Services (LDSS) outside of New York City (NYC) and, in particular, Child Protective Services (CPS) staff, of a change in the intake procedures of the State Central Register (SCR). The change affects intake procedures for reports outside of NYC that contain allegations of abuse or maltreatment of in-home Day Care and/or Foster Care (DC/FC) children in the same report as allegations regarding “Familial” children (those children alleged to have been abused or maltreated by a parent or other person legally responsible, other than DC/FC children). For day care reports, this change will affect reports involving providers of family day care and group family day care (i.e., in-home day care), including assistants in homes providing such care where the day care is provided in the home of the assistant.

Accordingly, all references in this memorandum to “DC” should be understood to refer only to children receiving day care in family day care homes and group family day care homes. Existing practice has been to combine all allegations of child abuse and maltreatment concerning the DC/FC children and the Familial children in the same report. Under the new intake procedures, these previously combined DC/FC and Familial reports will now be separated so they are registered as two (2) distinct reports. The Familial reports will be assigned to the appropriate LDSS. The DC/FC reports will be assigned to the appropriate LDSS, with a supportive informational assignment to the appropriate OCFS Regional Office. This change in SCR Intake procedures is necessary so that a Risk Assessment Profile (RAP) is completed on all Familial reports of suspected child abuse and maltreatment in accordance with the OCFS Program and Policy requirements. This practice of separating the allegations concerning DC/FC children and Familial children into two reports already exists for SCR reports in NYC.

Reports involving day care centers and school-age child care programs will continue to be handled as they have always been. The reports will include as subjects the relevant day care center and school-age child care program staff and will list as other persons named in the report the allegedly abused and maltreated children and the parents of such children. If child protective staff develop concerns during the investigation of a day care center or school-age child care program staff member about the care being provided by the staff member to his or her own children, a separate report should be made to the SCR. The day care center or school-age child care center report should not list the staff member’s own children, and any Familial report involving the staff member should not list the day care center or school-age child care program children.

This memorandum will also clarify the investigative requirements outlined in State regulation 18 NYCRR 432.2(b)(3) concerning adoptive and birth children and other children who are the legal responsibility of the alleged subject of a report who live with the subject but do not reside in the home where the alleged child abuse or maltreatment occurred.

II. Background

Outside of NYC, reports assigned to a LDSS may currently contain subject(s) who are alleged to have abused or maltreated their foster children and/or the children attending their in-home day care program (DC/FC children) as well as their own birth or adoptive children or other children for whom they are legally responsible. Current practice in these combined DC/FC and Familial situations is that the subject(s)’ relationship code is assigned as either FP (foster parent) or DC (day care provider), while the report type is assigned as DC/FC. The specific case circumstance is further clarified in the report narrative. This single report is assigned to the LDSS and Regional Office in which the DC/FC home is located. No separate Familial report is registered or maintained.

With the inclusion of the RAP in CONNECTIONS Build 16, OCFS began the process of integrating the CPS Intake report and the initial assessment requirements on-line within the Investigation stage. CONNECTIONS Build 18 completed that process by establishing the Family Services case directly from the initial CPS referral and associated CPS Familial Investigation stage.

Once designated at Intake, the report type - Familial, DC/FC or Institutional Abuse (IAB) – cannot be changed. This designation determines the application functionality of the Investigation stage. The RAP is enabled in the Investigation stage for Familial reports only. RAPs are not required on DC/FC or IAB reports and, therefore, are not enabled in these report types and the associated Investigation stage(s). As the current designated report type is DC/FC on combined DC/FC and Familial reports, the RAP is not being completed on the Familial portion of these reports. The changes discussed above will address this issue.

The system-supported notification letters are also specific to the report types of either DC/FC or Familial. Current system-supported notification letters do not clearly address SCR reports and investigations that contain both DC/FC and Familial circumstances. The separation into DC/FC and Familial reports will also address this issue.

In addition, it has come to OCFS's attention that some district staff are confused about the children whose safety must be assessed in cases where there is an allegation that the alleged subject abused or maltreated a child for whom the alleged subject is legally responsible but who does not live with the alleged subject. In those cases, the district must assess the safety of the children in the home where the alleged abuse or maltreatment occurred as well as the safety of those children who live with the alleged subject who are the biological or adoptive children of the alleged subject or for whom the alleged subject is otherwise legally responsible.

III. Program Implications

Amended SCR Intake procedures will now require the separation and registration of two (2) distinct reports that will contain allegations of suspected child abuse and maltreatment when there are allegations that involve both Familial and DC/FC children: one for Familial and one for DC/FC related children and adults.

The registration of two (2) distinct reports of child abuse and maltreatment (one that will contain the DC/FC children and a separate one that will contain the Familial report circumstances) will enable all LDSS to develop RAPs for reports containing Familial allegations in accordance with 18 NYCRR 432.2(b)(3)(iii)(b). It also will aid in preserving confidentiality for all persons named in a Familial report. This distinction between DC/FC and Familial reports will also help facilitate SCR processing of Requests for Information (RFI), Administrative Case Reviews and SCR Database Checks.

Reports containing allegations of suspected child abuse and/or maltreatment on either DC/FC children only or Familial children only (birth and adoptive and any other children for whom a person is legally responsible other than DC/FC children) will continue to be registered as either a single DC/FC report or a single Familial report, respectively.

In DC/FC reports with allegations about the DC/FC children only, the DC/FC provider(s)' birth, adoptive or other children for whom the DC/FC provider is legally responsible who live in the home must be listed in the DC/FC report. (Please note that this memorandum distinguishes between persons who are listed in the report as "subjects of the report," who are persons who allegedly

abused or maltreated the child(ren); “other persons named in the report,” who are the child(ren) alleged to have been abused or maltreated, and such child(ren)’s parent, guardian, custodian or other person legally responsible for the child who is not named as a subject of the report; and other persons “listed” in a report for informational purposes, only. The “subject” and “other persons named in the report” are entitled to certain notices regarding the report and to receive copies of the report, whereas other persons “listed” in the report are not. Inclusion of the “listed” children will, however, assist the district in identifying those children for whom a safety assessment must be conducted, as further discussed below.) In addition, all birth, adoptive and other children for whom the DC/FC provider is legally responsible who live with the DC/FC provider but do not live in the same home as the home where the alleged abuse or maltreatment occurred must also be listed in the report. (This would most commonly involve family and group family day care providers and assistants who provide day care at one location but live in a different location.)

Conversely, Familial reports with allegations only about birth children, adopted child(ren) and/or other children for whom the alleged subject is legally responsible who are not DC/FC children should *not* contain known DC/FC children who may be cared for in that home. This restriction will preserve the family’s confidentiality relative to requests for information contained in CPS Familial investigations. If the DC/FC children were listed as other persons named in the report, the parents of those children would have access to information in the report about the Familial allegations. Any birth, adoptive or other children for whom the alleged subject is legally responsible who do not live in the home where the abuse occurred but who do live in the same home as the alleged subject must also be listed in the report. This includes birth, adoptive or other children for whom the subject is legally responsible who live in the same home as the subject, even if the alleged abuse or maltreatment occurred in a different home. For example, if the subject on a regular basis went into another home to care for a child and was alleged to have abused or maltreated that child, in addition to the allegedly abused or maltreated child, the report should list the subject’s birth, adoptive and other children for whom the subject is legally responsible who live with the subject, even if the birth, adoptive or other children were not present in the home where the allegedly abused or maltreated child lived.

In DC/FC reports, a full assessment of safety must be conducted for all children living in the home, including all birth or adoptive or other children for whom the DC/FC provider(s) is legally responsible, as well any other children for whom the DC/FC provider is legally responsible who are living with the DC/FC provider in another home. If, as a result of that assessment, the CPS worker has reasonable cause to suspect that any non-FC/DC child also is being abused and/or maltreated and/or is at risk of harm, the CPS worker must fulfill his or her responsibility as a mandated reporter and register a new report with the SCR. This new report would be taken at the SCR and assigned as a Familial report.

Conversely, in Familial reports, a full assessment of safety must be conducted for all children living in or being cared for in the home, including any DC/FC children. The full assessment of safety must also consider the safety of any birth, adoptive or other child(ren) for whom the alleged subject is legally responsible who live with the subject but who are not living in the home where the alleged abuse or maltreatment occurred. If the CPS worker has reasonable cause to suspect that any birth, adoptive or other child for whom the alleged subject is legally responsible - who is not living in the home where the alleged abuse or maltreatment occurred- is also at risk of abuse or maltreatment, the

worker must designate the child as an Abused/Maltreated (AB/MA) child on the Familial report. (Please note that a full assessment of safety must be conducted for the DC/FC children even though they will not actually be named in the report). If, as a result of that assessment, the CPS worker has reasonable cause to suspect that DC/FC children are also being abused and/or maltreated or are at risk of abuse or maltreatment, the CPS worker must fulfill his or her responsibility as a mandated reporter and register a new report with the SCR. This new report would be taken at the SCR and assigned as a DC/FC report.

The following conventions apply to the registration of reports of suspected child abuse and maltreatment, as outlined below:

- DC/FC Report Composition (as applicable):
 - Alleged DC/FC subject(s) – listed as “subjects of the report”
 - Alleged Abused/Maltreated (AB/MA) DC/FC child(ren) – listed as “AB/MA”
 - Legally responsible parent(s)/other legally responsible adult(s) of all AB/MA child(ren) – listed as “other persons named in the report”
 - Alleged DC/FC subject(s)’ birth, adopted and other children for whom the subject is legally responsible who live with the subject - regardless of whether they are living in the home where the alleged abuse/maltreatment occurred - shall be listed in the report.
 - All other adults and children living in the household shall be listed in the report.

- DC/FC Report Investigations/Assignment:
 - DC/FC reports will be assigned to the appropriate LDSS .
 - The applicable OCFS Regional Office will receive supportive informational assignment on all DC/FC reports to enable the tracking and review of all reports involving DC/FC homes.
 - The Regional Office will continue to receive supportive informational assignment on all reports containing a DOA/Fatality allegation.
 - The CPS worker must assess the safety of all of the children in the DC/FC home - regardless of each child’s status as either a DC/FC child or a member of the family household composition- as well as the safety of any birth, adoptive and other children for whom the alleged subject is legally responsible who live with the alleged subject but outside the home in which the alleged abuse or maltreatment occurred.
 - If as a result of that assessment, the CPS worker has reasonable cause to suspect that any birth, adoptive or other non DC/FC child for whom the alleged subject is legally responsible is also being abused or maltreated or at risk of abuse or maltreatment, then the CPS worker must fulfill his or her responsibility as a mandated reporter and register a new Familial report with the SCR.

- Familial Report Composition (as applicable):
 - Alleged Familial subject(s) – listed as “subjects of the report”
 - Alleged AB/MA Familial child(ren) – listed as “AB/MA”
 - All other adults and children living in the household other than FC/DC children shall be listed in the report.

- All other birth, adoptive and other children for whom the alleged subject is legally responsible who live with the alleged subject outside the home where the alleged abuse or maltreatment occurred shall be listed in the report.
- Familial Report Investigations/Assignment:
 - Familial reports will be assigned to the appropriate LDSS per existing SCR procedures.
 - The CPS worker must assess the safety of all of the children living in or cared for in the home, regardless of each child's status as either a birth or adoptive child or as a DC/FC child (even though the DC/FC children will not be listed in the report) as well as the safety of all birth, adoptive or other children for whom the alleged subject is legally responsible who live with the alleged subject outside the home where the alleged abuse or maltreatment occurred.
 - If as a result of that assessment the CPS worker has reasonable cause to suspect that any DC/FC child is also being abused and/or maltreated or are at risk of abuse or maltreatment, the CPS worker must fulfill his or her responsibility as a mandated reporter and register a new DC/FC report with the SCR.
 - The CPS worker must complete a RAP on all the birth, adoptive and other non-DC/FC children for whom the alleged subject is legally responsible who either live in the home where the alleged abuse or maltreatment occurred or who live with the alleged subject in another home. If, as a result of that assessment, the CPS worker has reasonable cause to suspect that any birth, adoptive or other child for whom the alleged subject is legally responsible (who is living in the home where the alleged abuse or maltreatment occurred, or living with the alleged subject in another home) has been abused and/or maltreated or is at risk of abuse or maltreatment, then the CPS worker must revise the report to indicate the child as an AB/MA child and complete the investigation of all the allegations of abuse or maltreatment.

IV. Effective Date

This release is effective immediately.

Issued By

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