



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Acting Commissioner

## Administrative Directive

|                                 |  |
|---------------------------------|--|
| <b>Transmittal:</b>             | 18-OCFS-ADM-04   |
| <b>To:</b>                      | Commissioners of Social Services<br>Executive Directors of Voluntary Authorized Agencies   |
| <b>Issuing Division/Office:</b> | Child Welfare and Community Services   |
| <b>Date:</b>                    | March 19, 2018   |
| <b>Subject:</b>                 | <b>Requirement to Forward Reports of Suspected Child Abuse or Maltreatment to the Local Departments of Social Services and Voluntary Authorized Agencies Charged With the Care, Custody, or Guardianship of a Child in Foster Care</b> |
| <b>Suggested Distribution:</b>  | Directors of Social Services<br>Directors of Voluntary Agencies<br>Child Protective Services Supervisors<br>Child Welfare Supervisors<br>Foster Care Supervisors   |
| <b>Contact Person(s):</b>       | See Section VI   |
| <b>Attachments:</b>             | None.  |

| Previous ADMs/INFs               | Releases Cancelled | NYS Regs. | Soc. Serv. Law & Other Legal Ref.     | Manual Ref.                              | Misc. Ref. |
|----------------------------------|--------------------|-----------|---------------------------------------|--|------------|
| 15-OCFS-ADM-14<br>16-OCFS-ADM-13 |                    |           | Social Services Law (SSL) § 424(6)(b) | Child Protective Services Program Manual |            |

### I. Purpose

The purpose of this Administrative Directive (ADM) is to inform local departments of social services (LDSSs) and voluntary authorized agencies (VAs) of Chapter 281 of the Laws of 2017, which requires child protective services (CPS) of an LDSS to ascertain whether a child named in a report of suspected child abuse or maltreatment, or any other child in the same foster home, is in the care, custody, or guardianship of an authorized agency. If the

agency with care, custody or guardianship is not in the same LDSS in which the foster home caring for such children is located, the report must be sent by the investigating LDSS to such authorized agency and any other LDSSs with care, custody or guardianship of any children in the home as soon as possible. For the purpose of this release, an authorized agency with care, custody or guardianship means a LDSS with care and custody, or custody and guardianship of the foster child or the LDSS or VA that certified or approved the foster home. The investigating LDSS must also provide the results of the investigation (whether indicated or unfounded) to the LDSS with care, custody or guardianship and to the LDSS or VA that approved or certified the foster home.

## II. Background

Chapter 281 of the Laws of 2017 amended section 424 of the Social Services Law (SSL) and was enacted September 12, 2017.

When a foster parent is the subject of a report of child abuse or maltreatment, the LDSS in which the foster home is located is responsible for the CPS investigation. The LDSS responsible for the investigation must determine if any of the children in the foster home are in the care, custody, or guardianship of another LDSS or in a foster home approved or certified by another LDSS or by a VA. The LDSS responsible for the investigation must notify the other LDSS with care, custody, or guardianship of such children and the certifying or approving other LDSS or VA of the SCR report. This has been a long-standing standard for CPS investigations in foster care.

This law recognizes the importance of sharing information about SCR reports and CPS investigations with authorized agencies responsible for the care, custody, or guardianship of foster children and those overseeing the placement of children. In addition to notifying these agencies about the SCR report, this law requires the investigating LDSS to notify the authorized agencies of the outcome of the report (whether indicated or unfounded).

## III. Program Implications

Chapter 281 of the Laws of 2017 applies to reports of suspected child abuse or maltreatment involving children who reside in foster homes. Chapter 281 of the Laws of 2017 requires CPS to ascertain whether a child named in a report of suspected child abuse or maltreatment or any other child in the same foster home is in the care, custody, or guardianship of an authorized agency other than the LDSS in which such foster home is located. In such case, CPS must forward the SCR report as soon as possible to such LDSS and/or VA, and inform them whether the report is indicated or unfounded.

The LDSS with care and custody or custody and guardianship of a foster child in a foster home in which a report of suspected child abuse or maltreatment has been made and the LDSS or VA that certified or approved such foster home have a need to be informed of such reports of suspected abuse or maltreatment. Authorized agencies involved in the case must assess the safety of the children in the home and need to decide if any action must be taken regarding current and future placements, and the continued certification or approval of the foster home.

Responsibility for the investigation and determination of the report of suspected child abuse or maltreatment remains with the LDSS that received the report from the Statewide Central

Register of Child Abuse and Maltreatment. Chapter 281 of the Laws of 2017 expressly states that nothing in section 424 of the SSL requires the custodial LDSS and/or VA to investigate or to participate in the investigation of such report. However, the custodial LDSS and certifying/approving LDSS or VA must be included as a collateral contact in the CPS investigation. It is strongly recommended that each agency (the LDSS conducting the investigation, the custodial LDSS and the VA or LDSS that certified or approved the foster home), coordinate and communicate throughout the investigation.

#### **IV. Required Action**

Upon receipt of a report of suspected abuse or maltreatment involving a foster home, the LDSS must

1. ascertain whether the child named in the report or any other child in the home is in the care, custody or guardianship of an authorized agency (LDSS and/or VA) that is **not** the LDSS in which the foster home is located; and
2. provide such authorized agency(ies) with a copy of the report of suspected abuse or maltreatment as soon as possible (redacting the source of the report); and
3. inform the such authorized agency(ies) of the outcome of the CPS investigation, specifically whether the report was indicated or unfounded.

#### **V. Systems Implications**

Compliance with the standards set forth in this ADM must be sufficiently documented in CONNECTIONS.

#### **VI. Contact Persons**

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

[Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)

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

[Karen.Lewter@ocfs.ny.gov](mailto:Karen.Lewter@ocfs.ny.gov)

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

[Sara.Simon@ocfs.ny.gov](mailto:Sara.Simon@ocfs.ny.gov)

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

[John.Lockwood@ocfs.ny.gov](mailto:John.Lockwood@ocfs.ny.gov)

Spring Valley Regional Office - Yolanda Désarmé (845) 708-2498

[Yolanda.Desarme@ocfs.ny.gov](mailto:Yolanda.Desarme@ocfs.ny.gov)

New York City Regional Office - Ronni Fuchs (212) 383-1676

[Ronni.Fuchs@ocfs.ny.gov](mailto:Ronni.Fuchs@ocfs.ny.gov)

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

[Heather.LaForme@ocfs.ny.gov](mailto:Heather.LaForme@ocfs.ny.gov)

**VII. Effective Date**

This release is effective immediately.

*/S/ Laura M. Velez*

---

**Issued By:**

Name: Laura M. Velez

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services