



Office of Children and Family Services

KATHY HOCHUL
Governor

SHEILA J. POOLE
Commissioner

Memo

To: Commissioners, and Executive Directors
From: Lisa Gharthey Ogundimu, Deputy Commissioner of Child Welfare and Community Services
Date: February 4, 2022
Re: Updated COVID-19 Guidance for Investigations and Casework Contacts by Local Districts of Social Services (LDSS)

Department of Health 24/7 Hotline: 1-888-364-3065

Dear LDSS Commissioners and Directors of Services:

The New York State Office of Children and Family Services (OCFS) is issuing this bulletin to provide guidance and technical assistance for your Adult Protective Services (APS) staff in response to the continued COVID-19 pandemic and more recent increases in staffing shortages. While this guidance is not intended to address every potential scenario, it is designed to answer the questions that have arisen to date. It is further designed to offer some consistency in practice for APS staff with certain flexibilities extended by the federal government related to in-person caseworker visits for child welfare staff that became effective January 16, 2022, when the federal government issued a redetermination of a public health emergency. OCFS is extending the flexibilities described herein for APS staff until April 16, 2022, unless otherwise specifically extended.

OCFS encourages LDSSs to monitor the websites for the New York State Department of Health (DOH) and your respective local health department (LHD) for new information about COVID-19. Additionally, we urge you to remain in close contact with your Bureau of Adult Services (BAS) regional representative who have been instructed to immediately elevate COVID-19 questions and concerns.

APS is charged with investigating alleged cases of abuse, neglect or financial exploitation of impaired adults living in the community. APS assesses and determines the service needs of eligible clients. LDSSs are required to conduct full investigations of APS referrals in accordance with applicable statutory and regulatory requirements and existing OCFS policy.

The steps taken during the first 24-72 hours of an APS investigation may differ depending upon the allegations contained in the report, the information found in the record review, and the information received from the initial contact(s).

Assessments

Assessing the safety of a vulnerable adult, should be done through an in-person visit. However, the COVID-19 public health crisis requires the consideration of additional options to maintain the health and safety of both the client and caseworkers. In situations that are deemed life-threatening, the initial contact(s) must be sufficient to determine whether the vulnerable adult may be in imminent risk of death or serious harm.

APS is encouraged to utilize alternative technologies, if practicable and sufficient under the circumstances.

1. Protective cases, both on-going and assessments, are designated as high priority.
2. To the extent practicable, LDSSs will enhance the ability of intake staff to triage referrals made to APS.

As a reminder, there are many ways an APS caseworker, in consultation with their supervisor, can assess safety. Caseworkers are always encouraged to utilize a variety of tools to remotely assess the safety and risk posed to an impaired adult. This may include:

- Initiating contact by calling the subject or caregivers before going to the home; or
- Use of Skype, FaceTime, video conferencing, or other technological means.

If an APS caseworker has questions about the sufficiency of a particular type of remote assessment, they are encouraged to discuss this determination with their supervisor.

APS shall continue its critical functions at intake and assessment and will determine when home visits are necessary by using collateral contacts to determine vulnerability and necessity.

Use the three Ps: Past, Present, and Potential to assess risks:

- Past – Review the client's history.
- Present - Assess the client's status.
- Potential – Determine whether the client has any condition or impairment that has the potential to deteriorate rapidly without intervention (medical conditions, persistent chronic mental illness, recent crisis, or recent hospitalization).

When, based on the all the circumstances of the case, an LDSS has determined that an alternative method of contact may occur in lieu of a face-to-face, the caseworker/supervisor must document the justification for the decision and why an alternative method was used in the progress notes.

Denial of Entry into Home

In accordance with OCFS existing regulations (18 NYCRR § 457.11), in the event that an APS caseworker is denied access to the home for any reason, they must consult with a supervisor, to determine whether further interventions (such as a court order) are warranted. This includes:

- When a client denies access to an APS caseworker on the grounds that they are concerned the caseworker may expose them to COVID-19; or
- If entry is denied on a claim that the home is under a voluntary or mandated quarantine/isolation.

In such instances, APS should consult with the local health department, local emergency medical system, and possibly local law enforcement, regarding what actions are appropriate, safe, and recommended under the circumstances. APS should adhere to existing protocols. LDSSs who have questions regarding the development of such protocols are encouraged to reach out to their BAS regional representative.

Elevating Issues and Technical Assistance

APS caseworkers should continue to elevate questions through their chain of command. The LDSS may raise issues for subject matter guidance to the BAS regional representative.

Helpful Resources

- The New York State Department of Health's (DOH's) 24/7 hotline: **1-888-364-3065**
- DOH's Website: <https://www.health.ny.gov/diseases/communicable/coronavirus/>
- The CDC's website: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>
- Bureau of Adult Services Regional Contacts (518) 473-7857
 - Buffalo and Rochester Region - Anthony Lareau Anthony.Lareau@ocfs.ny.gov
 - Syracuse Region - Lisl Maloney Lisl.Maloney@ocfs.ny.gov
 - Albany Region - Jaqueline Maclutsky Jaqueline.Maclutsky@ocfs.ny.gov
 - Westchester and NYC Region - Susan Hollander Susan.Hollander@ocfs.ny.gov

Thank you for the work you have continued to do every day during these extremely difficult times. Your ongoing dedication to the vulnerable and dependent adults of New York State is greatly appreciated.

Sincerely,



Lisa Ghartey Ogundimu, Esq.
Deputy Commissioner
Division of Child Welfare and Community Services
New York State Office of Children and Family Services