



Office of Children and Family Services

Andrew M. Cuomo
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Informational Letter

Transmittal:	15-OCFS-INF-09
To:	Commissioners of Social Services
Issuing Division/Office:	Office of Strategic Planning and Policy Development
Date:	November 9, 2015
Subject:	The Inclusion of Local Social Services District Comments in Child Fatality Reports
Suggested Distribution:	Directors of Social Services Child Protective Services Supervisors Legal Staff
Contact Person(s):	Questions concerning this release should be directed to the appropriate OCFS Division of Child Welfare and Community Services Regional Office: Buffalo Regional Office - Dana.Whitcomb@ocfs.ny.gov - (716) 847-3145 Rochester Regional Office - Karen.Buck@ocfs.ny.gov - (585) 238-8201 Syracuse Regional Office - Sara.Simon@ocfs.ny.gov - (315) 423-1200 Albany Regional Office - Kerri.Barber@ocfs.ny.gov - (518) 486-7078 Spring Valley Regional Office - Yolanda.Desarme@ocfs.ny.gov - (845) 708-2498 New York City Regional Office - Raymond.Toomer@ocfs.ny.gov - (212) 383-1788
Attachments:	None

Filing References

Previous ADMs/INFs/LCMs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
10-OCFS-INF-08			SSL §20(5)		

I. Purpose

The purpose of this Informational Letter (INF) is to update local social services districts (local districts) about amendments to statute permitting them to provide relevant comments to be included in child fatality reports issued by the New York State Office of Children and Family Services (OCFS) and about the implementation of the changes to state statute.

II. Background

Section 20(5) of the Social Services Law (SSL) describes procedures for the preparation and issuance of child fatality reports in New York State. OCFS is required to investigate or provide for the investigation of the cause and circumstances surrounding all deaths of certain categories of children with families involved with the child welfare system. This law requires OCFS to then review each investigation and to prepare and issue a report

for the child fatality (except when an approved local or regional Child Fatality Review Team prepares the report). Child fatality reports must include:

- i. the cause of death,
- ii. identification of child protective or other services provided or actions taken regarding the child and his or her family,
- iii. any extraordinary or pertinent information concerning the circumstances of the child's death,
- iv. whether the child or the child's family had received assistance, care or services from the social services district prior to the child's death,
- v. any action or further investigation undertaken by OCFS or by the local social services district since the death of the child, and
- vi. as appropriate, recommendations for local or state administrative or policy changes.

Chapter 544 of the Laws of 2014 (Chapter 544) added to the above list by stating that a child fatality report include the written comments provided by any local district referenced in the report.¹ Chapter 544 established timeframes for OCFS to forward its proposed child fatality report to each involved local district and for the local districts to return any comments to be included in the report.

In his Approval Memorandum for Chapter 544, Governor Cuomo stated that he supported the goal of including relevant and appropriate information in fatality reports. The Governor added that the law must be clear that information that is confidential cannot be included in such reports, and that the information must be accurate and relevant to the fatality report and take into consideration the privacy of the family. The legislature agreed to a chapter amendment to address the concerns raised by the Governor.

Finally, the Governor directed OCFS to issue an informational letter regarding implementation of Chapter 544 and the chapter amendment and that such informational letter indicate that local district comments would be limited to 2000 characters in length.²

Chapter 145 of the Laws of 2015 (Chapter 145) is the chapter amendment that modified the provisions of Chapter 544 regarding both the content of local district comments to be included in fatality reports and the timeframe for reviewing proposed reports and providing written comments. Chapter 145 requires OCFS to forward its proposed child fatality report to each involved local district 20 calendar days prior to the release of the report and allows local districts 10 calendar days thereafter to return any comments to be included in the report. The law places certain limitations on the information that local districts may include in their comments, in order to protect both the family and the source of the child protective services report. It also limits the information to be included in the fatality report to that which is relevant and factually accurate.

III. Program Implications

Content of Comments

A local district has the authority to provide comments to OCFS on any child fatality report prepared by OCFS that references that local district. Comments may be up to 2000

¹ Specifically, the legislation added subparagraph (vii) to SSL §20(5)(b), stating that the report shall include "written comments as may be provided by any local social services district referenced in such report."

² Governor's Approval Memorandum No. 33 (2014).

characters in length. Beginning November 11, 2015, pursuant to Chapter 145, local districts' comments will be included only to the extent that the comments:

- protect the confidentiality and privacy of the deceased child, his or her siblings, the parent or other person legally responsible for such child, any other members of such child's household, and the source of any report of suspected child abuse or maltreatment;
- are relevant to the fatality report and pertain to the information that is required to be included in child fatality reports; and
- are factually accurate.

While every local district referenced in a child fatality report has the authority to provide comments to be included in the fatality report, no local district is required to provide such comments. Whether to provide comments is at the discretion of the local district.

Timeframe for the Provision of Comments

Pursuant to Chapter 145, OCFS will forward a child fatality report that it proposes to issue to all local districts referenced in the report 20 calendar days prior to the release of the report. A local district must submit written comments it wishes to be included in the report within 10 calendar days after receiving the proposed report from OCFS.

Procedure for Providing Comments

Local districts must submit any comments to OCFS in the manner and form that OCFS prescribes. OCFS continues to use a dedicated secure SharePoint system for sharing child fatality reports. The system contains a comment box in which the local district may forward proposed comments of up to 2000 characters. The New York City Administration for Children's Services (ACS) does not have a connection to the SharePoint system used in the rest of the state; OCFS is working with ACS to implement a secure method for sharing fatality report information between them.

OCFS Regional Office staff will review written comments submitted by any local district in their region; OCFS will include in the child fatality report those comments that meet the criteria set forth in section 20(5)(b)(vii) of the SSL, paraphrased in the bullets above.

If OCFS changes the procedures for local district submission of comments in the future, OCFS Regional Offices will inform the local districts in their regions of any such changes.

Chapter 145 of the Laws of 2015 takes effect on **November 11, 2015**, and applies to all child fatality reports issued on or after that date.

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