



# Office of Children and Family Services

**Andrew M. Cuomo**  
Governor

52 WASHINGTON STREET  
RENSSELAER, NY 12144

**Sheila J. Poole**  
Commissioner

## Local Commissioners Memorandum

<b>Transmittal:</b>	20-OCFS-LCM-13
<b>To:</b>	Local District Commissioners Directors of Services CPS Supervisors
<b>Issuing Division/Office:</b>	Child Welfare and Community Services
<b>Date:</b>	September 22, 2020
<b>Subject:</b>	<b>New York Statewide Central Register (SCR) Change in Intake Procedures Related to Previously Reported and Investigated Child Fatalities</b>
<b>Contact Person(s):</b>	See section IV.
<b>Attachments:</b>	None

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to notify the local departments of social services (LDSSs) of procedural changes related to reports made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) regarding the death of a child that was previously reported to the SCR and investigated by the LDSS child protective services (CPS).

### II. Background

A previously investigated fatality is a report of the death of a child that has been previously reported to the SCR and investigated by CPS in New York State, and that a previous fatality investigation has been closed when the report is made again to the SCR. Reports on previously investigated fatalities are commonly referred to as "re-reported fatalities."

In recent years, the New York State Office of Children and Family Services (OCFS) identified a rise in the number of re-reported fatalities. OCFS is aware that this increase in re-reported fatalities has had a negative impact on families, communities, and CPS staff. The investigation of re-reported fatalities where there are no new concerns or allegations

related to the child's death traumatizes families and the communities that support those families. Additionally, the heightened requirements for completion of a CPS investigation of a child's death are not just time consuming, but have additional time sensitive requirements that must be completed by CPS on a strict schedule.<sup>1</sup> The requirement to continue with the investigatory requirements when there is no new evidence to be gleaned results in the LDSS inefficiently expending critical resources. That is, another report and investigation with no new allegations related to the death of the child unnecessarily draws from CPS's investigative resources that could be better served promoting the safety and well-being of children involved in open CPS investigations.

To address this concern, OCFS issued an interim protocol on re-reported fatalities, which is reflected in the *New York State Child Protective Services Manual* (CPS Manual).<sup>2</sup> A goal of the interim protocol was to conserve the limited resources of LDSSs by modifying some procedures when investigating re-reported fatalities; however, CPS was still required to provide notification of the re-report, conduct safety assessments, document all actions properly, and make a finding (determination) based on the evidence collected during the reinvestigation. With the issuance of the interim protocol, OCFS pledged continued discussions to find a better solution to handling re-reported fatalities at intake. These discussions resulted in this new process for handling re-reports of previously investigated fatalities.

**Starting September 17, 2020**, when the SCR receives a re-report on a previously investigated fatality, the SCR will

- confirm by searching CONNECTIONS (CONNX) that the fatality was in fact previously investigated and concluded/closed; **and** if so,
- ask the reporter/source if they are reporting new allegations regarding the fatality.

If the previously investigated fatality is identified in CONNX and the reporter/source reports they have no new allegations related to the fatality, then the SCR will

- register an Additional Information (Add Info) with a subcategory of Fatality (INT ADD FATL) rather than creating a new report with investigative requirements; **and**
- merge the INT ADD FATL stage into the case where the fatality was previously investigated; **and**
- assign primary jurisdiction to the district that conducted the previous fatality investigation. Secondary will be assigned to the appropriate corresponding regional office.

The creation of the new INT ADD FATL stage in CONNX will allow the SCR to still register the information provided by the reporter/source and transmit the information along to CPS for further evaluation. Since CPS has deeper knowledge of the child and adults listed in the Add Info report with the subcategory of Fatality, it is in a better position to determine whether the re-reported fatality information must be reinvestigated.

If the SCR cannot locate the previously investigated fatality investigation in CONNX and/or the reporter/source reports having new allegations or information regarding events or circumstances that contributed to the child's death, then the SCR will register a traditional

---

<sup>1</sup> 18 NYCRR 432.2(c) (8).

<sup>2</sup> *New York State Child Protective Services Manual*, Chapter 6, page K-3.

fatality report with the allegation DOA/Fatality.

### III. Program Implications

After implementation, when CPS receives a re-reported fatality from the SCR, CPS will see the INT ADD FATL stage on their CONNX workload. Similar to a traditional Add Info stage, CPS will use the Intake Priority Closure window to close the stage without progressing it to an investigation. However, the Intake Priority Closure window on the new INT ADD FATL stage will require CPS to answer three questions before they are able to close out the stage. Depending on the responses to the questions, further CPS involvement may not be needed. If CPS deems that the information provided in the Add Info with subcategory of Fatality is duplicative of the previous fatality investigation(s), there will be no need for further CPS involvement, and CPS will not need to send out notification letters, conduct safety assessments, and make another determination.

**Effective September 17, 2020**, when CPS receives an Add Info with the subcategory Fatality from the SCR, CPS **must** immediately complete all the following steps and answer the three corresponding questions in CONNX:

- 1) Contact the reporter and any additional source listed on the new Add Info with the subcategory Fatality to confirm that the contents of the Add Info are accurate. Determine and document if the reporter/source has any further information regarding the circumstances of the child's death that would warrant a new investigation.
- 2) Thoroughly review the closed previously investigated fatality record(s), including the CONNX record and local case file records. This step must occur contemporaneously with receipt of the new Add Info with the subcategory Fatality. CPS must document that this step occurred after receiving the new Add Info from the SCR. Former reviews of the previously investigated fatality record(s) that may have occurred during other investigations will not suffice as completion of this step. A thorough review will need to occur again and be documented in the Intake Priority Closure window.
- 3) Determine if another investigation into the child's death is necessary based on comparing the information provided by the reporter/source of the Add Info with the subcategory of Fatality to the information in the previously investigated fatality record(s). CPS must document the reasons why another investigation is or is not warranted. If another investigation is necessary, then CPS must fulfill their legal requirements as mandated reporters<sup>3</sup> and immediately contact the SCR and register a fatality report. CPS must document the call identification number (call ID) provided by the SCR for a fatality report in the comments box in CONNX prior to closing out the Add Info.

Additionally, the INT ADD FATL stage cannot be closed out until the CONNX merge with the previously investigated fatality case occurs. CONNX merges occur daily and overnight, meaning that CPS will have to wait until the next day (depending on when the new Add Info with the subcategory of Fatality was registered by the SCR) to close out the Add Info.

---

<sup>3</sup> SSL §413(1)(d).

**Monitoring**

The OCFS child fatality review and prevention unit and the New York City Regional Office (NYCRO) fatality review unit will monitor these Add Infos with the subcategory of Fatality to confirm that the Priority Intake Closure window contains adequate and accurate documentation. The OCFS child fatality review and prevention unit and NYCRO fatality review unit will also provide any technical assistance to CPS around the documentation and closure of these Add Infos with the subcategory Fatality.

The *New York State Child Protective Services Manual* will be updated to reflect these new procedures.

**IV. Contacts**

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

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

Rochester Regional Office – Christopher Bruno (585) 238-8549

[Christopher.Bruno@ocfs.ny.gov](mailto:Christopher.Bruno@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)

Westchester Regional Office – Sheletha Chang (914) 801-3231

[Sheletha.Chang@ocfs.ny.gov](mailto:Sheletha.Chang@ocfs.ny.gov)

New York City Regional Office - Ronni Fuchs (212) 383-1788

[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)

***/s/ Lisa Ghartey Ogundimu***

---

**Issued by:**

Name: Lisa Ghartey Ogundimu

Title: Deputy Commissioner

Division/Office: Child Welfare and Community Services