



Office of Children and Family Services

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Administrative Directive

Transmittal:	21-OCFS-ADM-34
To:	Commissioners of Social Services
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	December 28, 2021
Subject:	Designation of Certain Indicated Reports of Child Maltreatment as “Not Relevant and Reasonably Related” by Operation of Law
Suggested Distribution:	Local Department of Social Services Commissioners Directors of Social Services Child Protective Services Supervisors Legal Staff
Contact Person(s):	Cassandra Kelleher-Donnaruma, Senior Director, Office of Implementation, Community Affairs and Protective Practices
Attachment:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	Dept. Regs.	Soc. Serv. Law and Other Legal Ref.	Manual Ref.	Misc. Ref.
21-OCFS-ADM-26 21-OCFS-ADM-33		18 NYCRR Parts 432 and 434	Part R of Chapter 56 of the Laws of 2020 Social Services Law (SSL) Title 6 of Article 6 SSL sections 422 SSL 424-a	<i>Child Protective Services Manual</i>	21-OCFS-LCM-13 21-OCFS-LCM-16 18-OCFS-ADM-08

I. Purpose

The purpose of this Administrative Directive (ADM) is to instruct local departments of social services (LDSSs) of changes regarding:

- The disclosure by the Statewide Central Register of Child Abuse and Maltreatment (SCR) of the existence of certain indicated reports in response to a database check conducted pursuant to Social Services Law (SSL) section 424-a; and
- The designation of reports indicated for maltreatment only as “not relevant and reasonably related” (“not R&R”) by operation of law, eight years following the date the report was indicated.

These changes are the result of Part R of Chapter 56 of the Laws of 2020, also referred to as “SCR reform legislation.”

II. Background

Included in the enacted SCR reform legislation is a requirement that reports indicated solely for child maltreatment be designated as “not R&R,” by operation of law, eight years after the report is indicated. As a result, the existence of such reports may not be disclosed to a licensing or provider agency through an SCR database check pursuant to SSL section 424-a. Such database checks are requested by specific licensing or provider agencies as authorized by SSL section 424-a, to determine whether a current or prospective employee or licensee is the subject of an indicated report of child abuse and/or maltreatment.

Indicated reports of child abuse and/or maltreatment can be complex, involving multiple alleged subjects, multiple alleged victims, and multiple allegations. If any allegation against any subject is substantiated after investigation by child protective services (CPS), the report is indicated. Indicated reports are maintained by the SCR in accordance with Title 6 of Article 6 of the SSL. Indicated reports are confidential and may only be shared with those entities and in those circumstances allowed in section 422 of the SSL. Section 422(4)(A)(i) of the SSL allows the SCR to inform provider and licensing agencies of the existence of indicated reports in accordance with provisions of section 424-a of the SSL. Section 424-a of the SSL prohibits disclosure of an indicated report in response to a database check when that report has been determined to be “not R&R.” Of note, a designation of “not R&R” does not change the status of the report; the report is still indicated.

Prior to the enactment of the SCR reform legislation, the designation of “not R&R” was only available through the administrative appeal process under SSL sections 422(8) or 424-a(1)(e). Now, as a result of the enacted SCR reform legislation, reports indicated solely for child maltreatment are designated “not R&R” by operation of law eight years from the date the report was indicated (see SSL section 424-a(1)(e)(iv)(B) as amended by Part R of Chapter 56 of the Laws of 2020). Importantly, these provisions do not apply to indicated reports that contain any substantiated allegations of child abuse.

III. Program Implications

Effective January 1, 2022, indicated reports containing solely substantiated allegations of child maltreatment will be designated as “not R&R,” eight years from the date such report was indicated. This will happen by operation of law, regardless of whether there has been a family court finding of neglect on the same allegation(s), or the report was previously determined to be “relevant and reasonably related” (“R&R”) as part of an administrative appeal.

Pursuant to SSL section 424-a, the existence of a report that is designated as “not R&R” cannot be disclosed in response to an SCR database check related to continued or potential employment

or licensure for specified occupations working with children or vulnerable adults or obtaining certification or approval to become a foster or an adoptive parent or successor guardian.

Reports that are designated as “not R&R” remain indicated. While the “not R&R” designation prohibits disclosure of the existence of the indicated report in response to an SCR database check conducted pursuant to SSL section 424-a, the designation does not impact disclosure of the report for reasons unrelated to employment or licensure as authorized by the SSL (for instance, see SSL section 422(4)(A)). Please note that the “not R&R” designation is report specific, and the existence of any indicated report(s) without such designation will be disclosed in response to an SCR database check conducted pursuant to SSL section 424-a.

LDSS staff will continue to have access to indicated reports in CONNECTIONS that have been designated as “not R&R” because LDSS staff are required to utilize the information contained in indicated reports for reasons unrelated to employment or licensure. For instance, information regarding an indicated report that is designated as “not R&R” will still be forwarded by the SCR to CPS if a new report is accepted regarding the same subject(s) and/or child(ren).

IV. Required Action

OCFS has put in place a series of systems changes that will automatically calculate years passed and designate those reports solely indicated for child maltreatment as “not R &R,” in accordance with the enacted SCR reform legislation, on a rolling basis without requiring any action on the part of the subject, LDSS or OCFS staff. Thus, LDSS staff are not required to take any actions to change the designation of reports indicated solely for child maltreatment as “not R&R.”

In accordance with SSL section 424-a, LDSS staff who may see an indicated report in CONNECTIONS that is marked as “not R&R” cannot consider the existence of such report in determining whether to hire staff or to certify or approve a prospective foster home, adoptive home, or application for an individual to become a successor guardian. LDSSs are also reminded that 21-OCFS-LCM-16 and 18-OCFS-ADM-08 require that LDSSs submit a formal request for an SCR database check whenever such a clearance is required or authorized pursuant to SSL section 424-a, and that LDSS staff are not permitted to perform a first-level database check through conducting a person search in CONNECTIONS.

V. Systems Implications

Several new enhancements have been made to CONNECTIONS and interfacing systems to flag and identify indicated reports designated as “not R&R,” including the following:

- For reports solely indicated for child maltreatment, CONNECTIONS will automatically flag the substantiated maltreatment allegations as “not R&R” eight years following the indication of the report. This flag will show in a newly created “not R&R” field within the “Allegations” window.
- The “not R&R” flag described above will also show for all reports determined to be “not R&R” as part of an administrative appeal.
- Once the report is designated as “not R&R” by operation of law, it cannot be changed or otherwise designated as “R&R” in CONNECTIONS.

- The “not R&R” designation will display on the allegations screen for closed investigation (INV) stages, open or closed administrative review investigation (ARI) stages, and on multiple output reports within CONNECTIONS.
- The “not R&R” designation will automatically prevent indicated reports with such designation from being visible to OCFS staff that conduct database checks pursuant to SSL section 424-a and will prevent the existence of such report from being disclosed as part of that process.

VI. **Contacts**

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VII. **Effective Date**

This ADM shall take effect upon issuance.

/s/ Lisa Ghartey Ogundimu, Esq.

Issued by:

Name: Lisa Ghartey Ogundimu, Esq.

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services