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Local Commissioners Memorandum

Transmittal:	08-OCFS-LCM-02
To:	Local District Commissioners
Issuing Division/Office:	Strategic Planning and Policy Development
Date:	March 27, 2008
Subject:	Family Assessment Response Application/Plan
Contact Person(s):	Sheila Poole, Associate Commissioner, Child Welfare and Community Services Regional Operations (518) 474-9465 Jamie Greenberg, Director, Policy Analysis, (518) 473-1327
Attachments:	Attachment A: Family Assessment Response Application Attachment B: Chapter 452 of the Laws of 2007
Attachment Available Online:	Yes

I. Purpose

The purpose of this Local Commissioners Memorandum is to provide an application (Attachment A) for those local social services districts (LDSSs) wishing to implement a family assessment response (sometimes referred to as differential or alternative response) approach for some of the families reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR).

II. Background

Chapter 452 of the Laws of 2007 (Attachment B) authorized LDSSs, other than in New York City, to apply to the New York State Office of Children and Family Services (OCFS) to use a family assessment and services approach for

a subset of families that are reported to the SCR for child maltreatment. The family assessment approach requires an initial assessment of child safety. If a child is assessed as unsafe, the report may not be handled using a family assessment response. For families that are reported to the SCR where a family assessment response is used, no determination of the SCR report is made. OCFS believes, as do other states that use a family assessment approach, that it is easier to engage families since the approach is likely to be viewed as less threatening by the family; it allows the family to have a larger role in determining what services will benefit their children; and the LDSS is more likely to be viewed by the family as a helping entity in the future should issues arise that create risk to children.

Shortly after Chapter 452 was enacted, OCFS invited all interested LDSSs to participate in a conference call in which the law's provisions were summarized and questions were solicited and answered (based on information that was known at the time). Subsequent to that conference call, LDSSs were invited to self-select to work with OCFS to help develop the program and IT systems parameters/requirements. Six LDSSs expressed interest, without making a commitment to applying to use the approach, and have helped OCFS develop and move toward operationalizing a family assessment response program. The law does allow an LDSS that is authorized to use a family assessment response considerable flexibility to develop an approach that best matches its county service resources, its staffing, and how many families with which the approach will be used.

III. Program Implications

It is anticipated that there will be (limited) Information Technology (IT) support for Family Assessment Response by November 1, 2008. As a result, that date is considered the first time that an LDSS could begin using the approach. There are many pre-implementation activities that will need to be attended to including, but not limited to, staff training, community preparedness, and service development/refinement/targeting. OCFS is fully committed to supporting LDSSs that choose to implement a Family Assessment Response approach, within the bounds of our resources.

LDSSs interested in beginning in 2008 must submit an application to OCFS by May 15. OCFS will entertain applications from LDSSs that want to begin later than 2008. The provisions of Chapter 452 expire June 1, 2111; however, we are optimistic that the law will be extended or made permanent if the program is assessed to be positive and producing good outcomes.

/s/ Nancy W. Martinez

Issued By:

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development

Attachment A

Family Assessment Response Application

Any social services district wishing to implement a Child Protective Services (CPS) differential response (which OCFS shall refer to as family assessment response) program must apply to OCFS to participate by submitting a plan for implementation. Any plan approved will be posted on OCFS' website within 60 days of such approval, as required by Chapter 452 of the Laws of 2007. The plan must address all the criteria listed below:

a) The factors to be considered by the social services district in determining which reports will be addressed through the family assessment and services track and the size of the population to be the subject of the differential response program;

- Please address:
 - the criteria by which you will assign reports to the family assessment and services track;
 - the anticipated percentage of reports that you are projecting will be handled through the family assessment and services track in the first 12 months of implementation..
 - the particular units and/or workers who will be involved, if it is not initially to be done county-wide
 - any phase-in or rollout plans

b) The assessment process regarding child safety and risk as well as the types of services and interventions to be provided to families included in the family assessment and services track and a description of how the services will be offered;

- Please describe:
 - the assessment process that you will use to assess child safety, risk to children and family strengths and needs.
 - the plan for linking families with those goods and services that address their identified needs, including what services will be provided by county CPS or preventive services staff, what services will be provided by community service providers, and what relationship the county will have with TANF staff in assessing needs and providing services. How, if at all, will family assessment and services interact with other local models of service access including such things as SPOA, CCSI, etc.

c) A description of the process to be followed for planning and monitoring the services provided under the family assessment and services track;

- Please include how the assessments and services provided directly by LDSS as well as those provided by agencies under contract with LDSS and those provided by other community agencies will be developed and monitored for quality and adherence to negotiated principles and expectations.

d) A description of how the principles of family involvement and support consistent with maintaining the safety of the child(ren) will be implemented in the family assessment and services track;

- Please describe:
 - your County's core practice principles upon which the family assessment response is designed.
 - the approach you will take, and the strategy behind such an approach, to more actively engage and empower families in (i) assessment of their strengths, (ii) assessing their needs, and (iii) in decision-making, while at the same time reassessing child safety, as need be.

e) A description of how the differential response program will enhance the ability of the district to protect children, maintain the safety of children and preserve families;

f) A description of how the district will reduce the involvement of government agencies with families and maintain the safety of children through the use of community resources;

- Please describe:
 - how the district will engage the family without increasing the involvement of government agencies without compromising safety of children
 - how traditional service providers, the family's support network, and other community resources will provide assistance to families whose reports/cases will be handled by a differential response program.

g) A description of the staff resources proposed to be used in the family assessment and services track, including the proposed staff workloads and qualifications;

- Please include:
 - how you plan to assign or recruit DSS staff to respond to a CPS report through the family assessment response track
 - whether staff will be involved in both the family assessment response track and the traditional CPS investigations
 - an indication of the use of any and all specialized staff/resources that will impact on the implementation of FAM

- h) A description of the training that will be provided to district staff regarding the family assessment response program. Additionally, please include a description of training to be provided to any non-district staff to be used in the differential response program. Both descriptions should include, but not be limited to, a description of the training involving maintaining the safety and well-being of children and any cross training planned for family assessment and investigative staff;

- i) A description of the community resources that are proposed to be used in the family assessment and services track;

- j) A description of any additional funding (beyond the regular child welfare finance mechanisms) that may be utilized to enhance the differential response program;

- k) A description of the protocol to be followed for handling cases in the family assessment services track when domestic violence is suspected or confirmed. The protocol must address the need to maintain the safety of the child(ren);
 - If you plan to collaborate with your local domestic violence service provider concerning any aspects of your family assessment and services track, please describe such collaboration.

- l) A description of your plan to involve community agencies, schools, Family Court, other key stakeholders in your county or catchment area, and the community as a whole in planning for and implementing a family assessment response;

- m) Please indicate your projected timeline for implementation.

Attachment B

Chapter 452 of the Laws of 2007

1 Section 1. Section 422 of the social services law is amended
by adding

2 a new subdivision 5-a to read as follows:

3 5-a. Upon notification from a local social services
4 district, that a
5 report is part of the family assessment and services track
6 pursuant to
7 subparagraph (i) of paragraph (c) of subdivision four of
8 section four
9 hundred twenty-seven-a of this title, the central register
10 shall forth-
11 with identify the report as an assessment track case and
12 legally seal
13 such report.

14 § 2. The social services law is amended by adding a new
section 427-a

15 to read as follows:

16 § 427-a. Differential response programs for child
17 protection assess-
18 ments or investigations. 1. Any social services district
19 located outside
20 of a city with a population of more than two million may,
21 upon the
22 authorization of the office of children and family services,
23 establish a
24 program that implements differential responses to reports of
25 child abuse
26 and maltreatment. Such programs would create a family
27 assessment and

EXPLANATION--Matter in italics (underscored) is new; matter in
brackets

[-] is old law to be omitted.

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S. 4009--B

2

1 services track as an alternative means of addressing certain
2 matters
3 currently investigated as allegations of child abuse or
4 maltreatment
5 pursuant to this title. Notwithstanding any other provision of
6 law to
7 the contrary, the provisions of this section will apply only
8 to those
9 cases involving allegations of abuse or maltreatment in family
10 settings
11 expressly included in the family assessment and services
12 track of the
13 differential response program, and only in those social
14 services
15 districts authorized by the office of children and family
16 services to
17 implement a differential response program. Such cases shall
18 not be
19 subject to the requirements otherwise applicable to cases
20 reported to
21 the statewide central register of child abuse and maltreatment
22 pursuant
23 to this title, except as set forth in this section.
24 2. Any social services district interested in implementing a
25 differen-
26 tial response program shall apply to the office of children
27 and family
28 services for permission to participate. The criteria for
29 a social
30 services district to participate will be determined by the
31 office of
32 children and family services after consultation with the office
33 for the
34 prevention of domestic violence, however the social services
35 district's
36 application must include a plan setting forth the following:
37 (a) in conjunction with any additional requirements imposed
38 by the
39 office of children and family services and the provisions of
40 this subdi-
41 vision, the factors to be considered by the social services
42 district in
43 determining which cases will be addressed through the family
44 assessment
45 and services track and the size of the population to be the
46 subject of
47 the differential response program;
48 (b) the types of services and interventions to be provided to
49 families
50 included in the family assessment and services track and a
51 description
52 of how the services will be offered;
53 (c) a description of the process to be followed for planning
54 and moni-

30 toring the services provided under the family assessment and
31 services
32 track;
33 (d) a description of how the principles of family
34 involvement and
35 support consistent with maintaining the safety of the
36 child will be
37 implemented in the family assessment and services track;
38 (e) a description of how the differential response
39 program will
40 enhance the ability of the district to protect children,
41 maintain the
42 safety of children and preserve families;
43 (f) a description of how the district will reduce the
44 involvement of
45 government agencies with families and maintain the safety of
46 children
47 through the use of community resources;
48 (g) a description of the staff resources proposed to be used
49 in the
50 family assessment and services track, including the proposed
51 staff work-
52 loads and qualifications;
53 (h) a description of the training that will be provided to
54 district
55 and any non-district staff to be used in the differential
56 response
57 program including, but not limited to, a description of the
58 training
59 involving maintaining the safety and well-being of children
60 and any
61 cross training planned for family assessment and investigative
62 staff;
63 (i) a description of the community resources that are
64 proposed to be
65 used in the family assessment and services track;
66 (j) a description of any additional funding that may be
67 utilized to
68 enhance the differential response program; and
69 (k) a description of the protocol to be followed for
70 handling cases
71 where domestic violence is present in order to maintain the
72 safety of
73 the child through the family assessment and services track.

S. 4009--B

3

1 3. The criteria for determining which cases may be
2 placed in the
3 assessment track shall be determined by the local department
4 of social
5 services, in conjunction with the office of children and family
6 services
7 and after consultation with the office for the prevention of
8 domestic
9 violence. Provided, however, that reports including any of the
10 following
11 allegations shall not be included in the assessment track of a
12 differen-
13 tial response program:
14 (a) reports alleging that the subject committed or
15 allowed to be
16 committed an offense defined in article one hundred thirty of
17 the penal
18 law;
19 (b) reports alleging that the subject allowed, permitted or
20 encouraged
21 a child to engage in any act described in sections 230.25,
22 230.30 and
23 230.32 of the penal law;
24 (c) reports alleging that the subject committed any of
25 the acts
26 described in section 255.25, 255.26 or 255.27 of the penal law;
27 (d) reports alleging that the subject allowed a child to
28 engage in
29 acts or conduct described in article two hundred sixty-three
30 of the
31 penal law;
32 (e) reports alleging that the subject committed assault in
33 the first,
34 second or third degree against a child;
35 (f) reports alleging that the subject committed or attempted
36 to commit
37 murder or manslaughter in the first or second degree;
38 (g) reports alleging that the subject abandoned a child
39 pursuant to
40 subdivision five of section three hundred eighty-four-b of this
41 article;
42 (h) reports alleging that the subject has subjected a child
43 to severe
44 or repeated abuse as those terms are defined in paragraphs (a)
45 and (b)
46 of subdivision eight of section three hundred eighty-four-
47 b of this
48 article; and
49 (i) reports alleging that the subject has neglected a child
50 so as to
51 substantially endanger the child's physical or mental health,
52 including
53 a growth delay, which may be referred to as failure to thrive,
54 that has
55 been diagnosed by a physician and is due to parental neglect.

33 4. The following procedures shall be followed for all cases
34 included
35 in the family assessment and services track:
36 (a) Reports taken at the statewide central register of child
37 abuse and
38 maltreatment shall be transmitted to the appropriate local
39 child protec-
40 tive service.
41 (b) A social services district permitted by the office of
42 children and
43 family services to participate in the implementation of a
44 differential
45 response program shall, consistent with the criteria developed
46 pursuant
47 to subdivision three of this section, identify those reports
48 which are
49 initially eligible to be included in the family assessment and
50 services
51 track.
52 (c) For those reports which are included in the family
53 assessment and
54 services track, the social services district shall not be
55 subject to the
56 requirements of this title concerning initial investigation
of reports
of suspected abuse and maltreatment of children, including
notification
requirements. For reports assigned to the family assessment and
services
track, the social services district shall be responsible for
ensuring
that the children are safe in their homes. Such safety check
shall be
commenced within twenty-four hours of receipt of the
report and
completed within seven days. Based on the initial safety
check, the
district shall determine if the report shall continue under
the family
assessment and services track. This safety check must be
documented in
the manner specified by the office of children and family
services.
Should the children be found to be safe in the home, the social
services

S. 4009--B

4

1 district shall then identify service needs and family issues,
2 if any,
3 that should be addressed.
4 (i) Where the social services district determines,
5 based on the
6 initial safety check, that the report is appropriate to be
7 included in
8 the family assessment and services track, the social services
9 district

6 shall document the reason for that determination in the
7 initial safety
8 check and inform the statewide central register of child
9 abuse and
10 maltreatment that the report is part of the family
11 assessment and
12 services track and request that the records of the
13 statewide central
14 register of child abuse and maltreatment of such report be
15 classified as
16 an assessment track case and be legally sealed in accordance
17 with the
18 provisions of paragraph (a) of subdivision five of section
19 four hundred
20 twenty-two of this title. Such sealed reports shall be
21 maintained at the
22 statewide central register of child abuse and maltreatment for
23 ten years
24 after the report was made.
25 (ii) Where the social services district determines, based
26 on the
27 initial safety check, to investigate the report as a report of
28 suspected
29 child abuse or maltreatment, the social services district shall
30 document
31 the reason for that decision in the initial safety check.
32 Where the
33 social services district makes the determination to
34 investigate the
35 report, all of the requirements of this title concerning
36 investigations
37 of reports of suspected child abuse and maltreatment
38 shall apply,
39 including the notification requirements. The report shall no
40 longer be
41 eligible to be included in the family assessment and services
42 track.
43 (d) Where the social services district has determined that a
44 case is
45 appropriate to be included in the family assessment and
46 services track,
47 the district's activities shall include, at a minimum, the
48 following:
49 (i) the provision of written notice to each parent, guardian
50 or other
51 person legally responsible for the child or children
52 participating in
53 the family assessment and services track explaining that it
54 is the
55 intent of the social services district to meet the needs of
56 the family
57 without engaging in a traditional child protective services
58 investi-
59 gation. The notice shall also explain that the workers
60 assisting the
61 family in the family assessment and services track are
62 mandated repor-

35 ters who are required to report suspected child abuse or
maltreatment
 36 and that those workers are required to report new information
that they
 37 receive in their work with the family if that information
gives them
 38 reasonable cause to suspect that a child in the family is an
abused or
 39 maltreated child;
 40 (ii) an examination, with the family, of the family's
strengths,
 41 concerns and needs;
 42 (iii) where appropriate, an offer of assistance which shall
include
 43 case management that is supportive of family stabilization;
 44 (iv) the planning and provision of services responsive to
the service
 45 needs of the family; and
 46 (v) an on-going joint evaluation and assessment of the
family's
 47 progress including ongoing, periodic assessments of risk to the
child.
 48 (e) After the social services district has received a
report of
 49 suspected maltreatment and determined that the report is
initially
 50 eligible to be included in the family assessment and
services track,
 51 pursuant to paragraph (b) of this subdivision, the activities
described
 52 in paragraphs (c) and (d) of this subdivision may be
performed by the
 53 social services district directly or through any other method
currently
 54 utilized by social services districts to obtain preventive
services for
 55 children and families. If a community-based agency determines,
pursuant
 56 to subparagraph (ii) of paragraph (c) of this subdivision, that
a report

S. 4009--B

5

1 must be investigated as a case of suspected child abuse or
maltreatment,
 2 the community-based agency shall so inform the social services
district,
 3 which shall then become responsible for conducting the child
protective
 4 services investigation in accordance with the
requirements of this
 5 title.
 6 (f) A report selected for inclusion in the demonstration
project shall
 7 cease to be eligible for inclusion in the demonstration
project if at
 8 any time in the course of providing services the district or
community-

9 based agency finds that:
10 (i) there is evidence of child abuse, including sexual abuse;
or
11 (ii) the parent or parents refuse to cooperate with the
district or
12 community-based agency in developing or implementing a plan
to address
13 the family problems or issues and there is evidence of
maltreatment of a
14 child.
15 (g) Where the district finds or is advised by a community-
based agen-
16 cy, subsequent to the completion of the initial safety
assessment and
17 after the report is legally sealed, that the report is no
longer eligi-
18 ble for inclusion in the demonstration project pursuant to
paragraph (f)
19 of this subdivision, the district shall contact the
statewide central
20 register of child abuse and maltreatment and make a new
report of
21 suspected child abuse or maltreatment pursuant to section
four hundred
22 thirteen of this title.
23 (h) Where a report has been included in the family
assessment and
24 services track and a subsequent report involving the family
is made to
25 the statewide central register of child abuse and maltreatment,
and such
26 subsequent report is not eligible for inclusion in the family
assessment
27 and services track, the local child protective services, in
conducting
28 its investigation, shall work cooperatively with any district
or commu-
29 nity-based agency staff that are already working with the
family to
30 minimize to the extent practicable the chance that existing
services
31 being provided to the family will be disrupted and to maximize
to the
32 extent practicable the coordination of the existing
services being
33 provided to the family with any new services to be provided to
the fami-
34 ly.
35 5. (a) Cases included in the family assessment and
services track
36 shall not be subject to the requirements of section four
hundred nine-e
37 or four hundred nine-f of this article.
38 (b) All records created as part of the family assessment and
services
39 track shall include, but not be limited to, documentation of
the initial

40 safety check, the examination of the family's strengths,
41 concerns and
42 needs, all services offered and accepted by the family, the
43 plan for
44 supportive services for the family, all evaluations and
45 assessments of
46 the family's progress, and all periodic risk assessments.
47 (c) Records created under the family assessment and
48 services track
49 shall be maintained for ten years after the report initiating
50 the case
51 at the statewide central register was made.
52 (d) All records created as part of the family assessment and
53 services
54 track shall be confidential and shall be made available only to
55 staff of
56 the office of children and family services and persons
57 designated by the
58 office of children and family services; the social services
59 district
60 responsible for the case; community-based agencies that have
61 contracts
62 with the social services district to carry out
63 activities for the
64 district under the family assessment and services track; and
65 providers
66 of services under the family assessment and services
67 track; and any
68 social services district investigating a subsequent report of
69 abuse or

S. 4009--B

6

1 maltreatment involving the same subject or the same child or
2 children
3 named in the report.
4 6. Expenditures by a social services district pursuant to
5 this section
6 shall be reimbursable from the annual appropriations
7 available for
8 social services district expenditures for child welfare
9 services which
10 shall include, but not be limited to, preventive services
11 provided
12 pursuant to section four hundred nine-a of this article, child
13 protec-
14 tive services, independent living services and any other
15 appropriation
16 made specifically to support these differential response
17 programs.
18 Nothing shall preclude a social services district from
19 seeking private
20 funds for support of their differential response programs.
21 7. The office of children and family services shall post
22 the plan
23 contained in any application approved for implementation of a
24 differen-
25 tial response program on the office of children and family
26 services
27 website within sixty days of such approval.
28 8. The office of children and family services shall complete
29 a report
30 evaluating the implementation of any differential response
31 programs
32 established pursuant to this section. The report shall assess
33 the effec-
34 tiveness of the programs in promoting broader community
35 involvement in
36 meeting service needs, expanding and expediting access to
37 appropriate
38 services, improving the cooperation of families, reducing
39 subsequent
40 abuse and maltreatment reports, and promoting child safety.
41 Such report
42 shall also recommend whether or not to continue the
43 provisions of this
44 section and shall be submitted to the governor and the
45 legislature no
46 later than the first day of January, two thousand eleven.
47 § 3. This act shall take effect immediately and shall
48 expire June 1,
49 2011 when upon such date the provisions of this act shall
50 be deemed
51 repealed.
