

OFFICE OF CHILDREN AND FAMILY SERVICES

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| LOCAL COMMISSIONERS MEMORANDUM |
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OCFS-4616EL (Rev. 11/98)

Transmittal No: 99 OCFS LCM-25

Date: September 09, 1999

Division: Development and
Prevention Services

TO: Local District Commissioners

SUBJECT: Sharing of information on Child Protective
Investigations and Day Care Investigations

ATTACHMENTS: None

The Division of Development and Prevention Services' Bureau of Early Childhood Services is responsible for all activities related to the regulation of child day care providers, including family day care homes, group family day care homes, day care centers and school-age child care programs. These regulatory activities include the investigation of complaints of violations of regulations and statutes.

In accordance with Section 390 of Social Services Law, complaints of violations of the regulations of the Office or of statutory requirements must be investigated. There are times when the violation is one which has also been reported to the State Central Register for Child Abuse and Maltreatment. In these instances, an investigation is being conducted concurrent with the child care investigation by the local Child Protective Services (CPS) unit.

It is crucial to the completion of an investigation that all information be available to inspectors. It is, therefore, of vital importance where a CPS investigation is being conducted, or has been concluded, that there be an exchange of information between CPS staff and child care investigators at all stages of each investigation.

Section 422(4)(A) of Social Services Law requires that reports, information obtained, reports written or photographs taken concerning such reports in the possession of the Department, local departments or the Commission on Quality of Care be kept confidential. "Department" includes the State Central Register, Bureau of Early Childhood Services (BECS) central and regional offices, and agents of the Office of Children and Family Services, including local departments of social services and their registration subcontractors. All registration contractors and subcontractors are obligated by their contracts with the Office of Children and Family Services (OCFS) to adhere to confidentiality, and they will assume responsibility for maintaining the records and information in a confidential manner.

There has been some confusion on the part of the local districts regarding the protocol for the investigation of child care complaints. I am hopeful this communique will remedy confusion quickly. Any delays in the timely and thorough investigation of a child care complaint could result in the safety and well being of children within the child care setting being compromised.

Requests by BECS staff or their agents for CPS information may be made either verbally or in writing directly to the CPS caseworker responsible for the investigation. The information is to be forwarded in a timely manner and is to include, but not be limited to: copies of CPS report(s), caseworker notes, any documentation available at any point in time and any information available, even if it is not in writing. Information may be transmitted verbally, or via a mail service or facsimile machine.

If you have any questions please contact the following Regional Office Managers for assistance;

Buffalo Regional Office - Carolyn Huffman (716) 847-3828

Rochester Regional Office - Ella Renckert (716) 238 8531

Syracuse Regional Office - Kathleen Caryl (315) 423-1202

Albany Regional Office - Mabel Leon (518) 402-3038

Yonkers Regional Office - Frances Peña (914) 376-8810

Long Island Regional Office - Aurora Farrington (516) 952-4907

NYC Department of Health - Don Nolte (212) 676-2444

Donald K. Smith
Deputy Commissioner
Division of Development and Prevention Services