



Office of Children and Family Services

Andrew M. Cuomo
Governor

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Acting Commissioner

Informational Letter

Transmittal:	19-OCFS-INF-01
To:	Commissioners of Social Services
Issuing Division/Office:	Child Welfare and Community Services
Date:	March 6, 2019
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):	See Section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
10-OCFS-INF-08	15-OCFS-INF-09		SSL §20(5)		

I. Purpose

The purpose of this Informational Letter (INF) is to update local departments of social services (LDSSs) on the process by which relevant comments are to be included in child fatality reports issued by the New York State Office of Children and Family Services (OCFS).

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

on 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 may 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.

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, 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 spaces in length, including alpha-numeric characters, and punctuation.

While every local district referenced in a child fatality report has the option to provide comments to be included in the fatality report, no local district is required to provide such comments; doing so is at the discretion of the local district. As established in Governor Cuomo's memorandum approving Chapter 544 of the laws of 2014, in no case can comments exceed the alpha-numeric 2000-character limit described above, including in cases where comments are submitted by more than one LDSS. If comments from multiple LDSS(s) exceed 2,000 characters, LDSS(s) will be

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."

required to work cooperatively with OCFS so that LDSS comments cumulatively do not exceed 2,000 characters.

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 who opt to provide comments shall submit comments to OCFS in the manner and form that OCFS prescribes. With the release of this INF, OCFS is advising that comments for inclusion in the fatality report should be sent via email to the OCFS staff person designated in the 20-calendar-day notice referenced above. Comments must not exceed the limit described above.

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