



Office of Children and Family Services

Kathy Hochul
Governor

52 WASHINGTON STREET
RENSELAER, NY 12144

DaMia Harris-Madden, Ed.D., MBA, M.S.
Commissioner

Local Commissioners Memorandum

Transmittal:	19-OCFS-LCM-05-R1 (Revised, September 24, 2024).
To:	Local Departments of Social Services Commissioners Services Directors
Issuing Division/Office:	Division of Child Welfare and Community Services
Date:	R1: September 24, 2024. Original publication date: April 1, 2019
Subject:	Local Departments of Social Services Online Submission to Transmit Requests for Court-Ordered Investigations Under Section 1034 of the Family Court Act
Contact Person(s):	See section IV.
Attachments:	None

R1: This Local Commissioners Memorandum (LCM) is being revised and reissued on September 24, 2024, to change the prior Program Implications section by removing information about the 1034 web form submission of court-ordered investigations and updating it to reflect submission of court-ordered investigations to the new online Mandated Reporting System. The OCFS 1034 web form attachment has also been removed from this guidance document.

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to advise local departments of social services (LDSS) of an update to procedures used for registering reports of suspected child abuse and maltreatment with the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) when in possession of a court order for initiation of an investigation under Section 1034 of the Family Court Act (FCA).

II. Background

Section 1034 of the FCA authorizes family court judges to issue a court order for the child protective services (CPS) unit of the appropriate LDSS to conduct a child protective investigation, as described by the Social Services Law (SSL), and report its findings to the court. Such order may be granted whenever there is a matter pending before the family court judge or to determine whether an Article 10 proceeding should be initiated.

Only a judge authorized to preside over an Article 10 proceeding may order a CPS investigation under Section 1034 of the FCA. This includes family court judges, referees who are acting as family court judges (a family court referee or a family court hearing examiner), and supreme court judges when a supreme court has decided to accept jurisdiction over a proceeding under the FCA. Otherwise, the supreme court does not have the authority to order a CPS investigation.

When a court orders an investigation under Section 1034 of the FCA, the law requires the investigation to be in compliance with the rules for such investigations as required by the SSL. As such, court-ordered investigations (COI) are transmitted to the SCR. The SCR verifies that the report contains adequate information (valid alleged subject(s), valid maltreated/abused child(ren), and locating information) to allow the SCR to register the report and transmits it to the appropriate LDSS's CPS unit to complete an investigation as required by Article 6 of the SSL and 18 NYCRR 432.

A court may issue a Section 1034 order even when a CPS unit in another county will be assigned primary responsibility for the investigation. The SCR's jurisdictional assignment procedures are the same for COIs as for any other type of intake report.

The court cannot use the online mandated reporting system to order the LDSS to take specific actions, such as interviewing a specific child or adult. Similarly, the court order cannot expand the authority of an LDSS outside the bounds of the investigatory authority under the SSL. Family court judges also have no authority to order a COI on incidents that occur in an institutional setting.

This release details the new process for LDSS staff to contact the SCR to register a report of suspected child abuse or maltreatment, as allowed by Section 1034 of the FCA. It also sets forth the new procedure that should be used by LDSS staff to submit the new form electronically, via an online Mandated Reporting System that is a secure connection, to initiate an investigation. The SCR will continue to accept these reports via phone (not fax) if the LDSS is unable to submit them in the online system.

III. Program Implications

Effective upon release of this policy, when the LDSS receives a FCA 1034 order, the LDSS should submit the report to the SCR via the new online Mandated Reporting System in place of the previous OCFS 1034 web form submission. Following submission of the information to the SCR, the mandated reporter will see the status as "Pending Review" while the submission is reviewed by the SCR. Submission of a concern in the online Mandated Reporting System fulfils the statutory requirement to report suspected abuse or maltreatment to the SCR. When a report is registered by the SCR, the LDSS-2221A form is automatically generated in the system for the mandated reporter to view, and it includes the Call ID, date and time, and detailed information from the submission. The LDSS-2221A form will automatically be transmitted to the LDSS assigned to investigate the report and will not need to be printed and mailed by the mandated reporter.

Logging Into the Online Mandated Reporter System

The online Mandated Reporting system is accessed via this weblink <https://cw.ocfs.ny.gov/manrep>. The staff will access the system utilizing their current NY.gov ID business account or after they create a NY.gov ID business account. Once logged into the NY.gov ID account, they will see their account information page and can make updates to their information as needed.

Entering the FCA 1034 Court-Ordered Information Into the Online Mandated Reporting System

Once in the Mandated Reporting System, the home page provides the option of "create new concern." After selecting this option, a series of prequalifying questions are queued for response. After the prequalifying questions have been answered, the mandated reporter will then move on to entering the information that created the concern about child abuse or maltreatment into the system.

Reporter Information Section:

- The mandated reporter's information is prefilled. (Prefilled information can be changed by the mandated reporter.)
- The mandated reporter must confirm that they verified their address and phone number.
- The mandated reporter can choose to receive a summary of findings.
- The mandated reporter must identify their relationship to the family from a drop-down list and then select the concern they are reporting (Court-Ordered Investigation).

Person Information Section:

- Enter the names and other identifying information for all the adults the court ordered investigated.
- Enter the names and other identifying information for all the child(ren) the court order included as potentially abused (AB) or maltreated (MA).
- Enter the names of any other child(ren) in the home(s) of the alleged subject(s) about whom the court has not specified any concerns. The role for these children should be "None" or "Unknown," as appropriate.
- All other requested information in this section must be entered to the best of their ability, given the information provided by the court. Failure to provide characteristics of the child or family should not prevent you from successfully submitting the concern.
- An exact address or locating information for the "MA/AB" children is required to successfully register a report.

Concern Type Section:

- Enter details such as the court name, judge/referee name, docket number, return date, and any other concerns/requests noted in the 1034 order.

Pre-Submission Questions Section:

- All questions must be answered in order to submit a concern successfully in the system.
- Once all questions are answered, the "Review and Submit" page appears. Any incomplete sections will be labeled in red, so the mandated reporter knows to return to that section and complete it.
- "Submit" should be selected only when the mandated reporter has completed all sections. Once selected, the mandated reporter will have an option to send the information to the SCR. Prior to confirming submission, the information can still be edited so long as the mandated reporter chooses to return to a draft version of the concern rather than finalizing the submission.
- The mandated reporter will know the concern is successfully submitted when they are returned to the home page and the status of the submission is "Pending Review."

Once the SCR has reviewed a submitted concern, the mandated reporter will be able to view the status change to one of three outcomes: 1) "Accepted as report"; 2) "Non report"; or 3) "Need more information, please contact SCR." The mandated reporter will see the status change on their submissions on their home screen on the system. They will also receive an email with the decision made by the SCR regarding the submitted concern.

Note: If the mandated reporter has begun entering information but does not complete the submission process in the system, the information will be saved in the mandated reporter's account as a draft for

only 24 hours from when the concern was initially created. After the 24-hour time frame, the draft concern information is automatically deleted from the system if it is not submitted to the SCR. Also, any submitted concerns will be automatically deleted from the system 60 days from the date of submission.

IV. Contacts

Albany Regional Office - John Lockwood (518) 486-7078

John.Lockwood@ocfs.ny.gov

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

Amanda.Darling@ocfs.ny.gov

New York City Regional Office – Sandra Davidson (212) 383-4873

Sandra.Davidson@ocfs.ny.gov

Rochester Regional Office - Christopher Bruno (585) 238-8201

Christopher.Bruno@ocfs.ny.gov

Syracuse Regional Office - Sara Simon (315) 423-1200

Sara.Simon@ocfs.ny.gov

Westchester Regional Office - Sheletha Chang (845) 708-2499

Sheletha.Chang@ocfs.ny.gov

/s/ Gail Geohagen-Pratt

Issued by:

Name: Gail Geohagen-Pratt

Title: Deputy Commissioner

Division/Office: Division of Child Welfare and Community Services