

Chapter 4: Special circumstances in report processing

A. Multi-district jurisdictional assignment	A-1
1. Primary and secondary responsibilities.....	A-1
a. <i>General responsibilities</i>	A-1
b. <i>Specific responsibilities</i>	A-1
2. Jurisdictional assignment changes in open cases.....	A-3
B. Different types of CPS reports	B-1
1. Duplicate reports.....	B-1
2. Additional Information reports	B-1
3. Subsequent reports.....	B-2
4. Consolidating Report Investigations and Consolidating FAR Stages:.....	B-4
C. Out-of-town inquiries	C-1
1. Out-of-state inquiries.....	C-1
2. District-to-district inquiries	C-1
D. Guidelines for case transfers	D-1
1. Transfers – Pre-determination or case closing	D-1
2. Transfers – Indicated/Open services CPS cases	D-2
3. Movement out of state	D-3
E. Sensitive and high-profile investigations	E-1
1. Transferring a sensitive case to another LDSS	E-1
a. <i>When an LDSS employee is named in a report</i>	E-1
b. <i>When a person named in a report is known to a CPS employee</i>	E-2
c. <i>Responsibilities after a sensitive case is indicated</i>	E-2

Chapter 4: Special Circumstances in Report Processing

The Statewide Central Register of Child Abuse and Maltreatment (SCR) sometimes receives calls that need particular handling so as to best support the local Child Protective Service (CPS) in carrying out its responsibilities under New York State Social Services Law. The following procedures reflect circumstances where reports registered by the SCR require special handling. There may be circumstances that fall outside what is outlined here. When this occurs, open communication and adherence to applicable laws and regulations will guide practice solutions.

A. Multi-district jurisdictional assignment

Occasionally, a child protective report requires a joint investigation by more than one local departments of social services (LDSS). Generally, this occurs when the principals in the investigation (such as allegedly maltreated or abused children and/or alleged subjects) are located in different local social services districts. When two or more LDSSs are assigned investigative responsibility, communication among the districts is of key importance, and each CPS unit must assume a fundamental role and responsibility for the safety and protection of all the children in the report.

1. Primary and secondary responsibilities

Generally speaking, the SCR assigns primary responsibility for the report to the district where the allegedly maltreated or abused (MA/AB) child(ren) named in the report resides.

Secondary responsibility is typically assigned to the district where the alleged subject of the report resides, when it is different than the MA/AB child's residence, or to the district that is the current location of an MA/AB child or alleged subject (e.g., hospital, school, jail). The CPS that is assigned primary responsibility has the authority to assign secondary responsibility to another LDSS when appropriate if the SCR has not done so. If it is appropriate for the primary LDSS to assign secondary responsibility or to reassign a report to another LDSS, prior consultation with that LDSS is necessary. For more information on how to reassign or assign a report, see *CONNECTIONS Step-by-Step Guide: Training for CPS Workers*. For more information on SCR assignment guidelines for joint investigative jurisdictional assignment, see **Chapter 3, Statewide Central Register Responsibilities**.

a. General responsibilities

Both the primary district and the secondary district are responsible for fulfilling the statutory and regulatory requirements for a report of suspected child abuse or maltreatment. This includes, when appropriate, initiating Family Court Article 10 proceedings in accordance with FCA §1015 (See **Chapter 6, Section B** and **Chapter 9, Section J**).

b. Specific responsibilities

The primary district is responsible for providing overall coordination for the report.

At the initiation of the investigation phase, the designated person of the primary district should contact the designated person of the secondary district. This contact should be made within the first 24 hours of receipt of the report. The purpose of the first contact is to discuss with the secondary district what actions are necessary for each district to complete in order

to effectively conduct the investigation and assess the immediate safety of all children involved in the case.

Following the initiation of the investigation, the *primary* district is responsible for:

- Determining and documenting necessary interventions to support immediate child safety;
- Providing required notification letters to the subjects and other persons named in the report, or requesting the secondary district to do so for the subjects or other persons named in the report in the secondary district;
- Completing the preliminary (7-day) Safety Assessment and all other ongoing assessments of safety and risk for the children and households within their district;
- When the case is assigned to the Investigation track:
 - Coordinating the gathering of information with the secondary district in order to make an investigation determination
 - Completing the investigation determination Safety Assessment
 - Completing the Risk Assessment Profile (RAP)
 - Completing the 60-day determination and investigation conclusion
 - Coordinating necessary activities to fulfill standards for the delivery of Child Protective Services
 - Arranging for services for family members within the primary district and requesting the secondary district to provide needed services to family members in their district
- When the report is assigned to the Family Assessment Response (FAR) track:
 - Coordinating the gathering of information with the secondary district in order to assess the family's strengths and needs
 - Completing the Family-Led Assessment Guide (FLAG)
 - Providing ongoing informal assessments of safety of all children in the home
 - Completing the RAP, where the CPS uses this tool, or an assessment of the risk to children in the family
 - Determining solutions for the family's immediate problems and assisting the family in obtaining needed services to address their needs

Following the initiation of an investigation, the *secondary* district is responsible for:

- Completing all investigative activities as per the request of and/or negotiation with the primary district. Generally speaking, the secondary district will be responsible for all activities involving people or agencies located in its district
- Determining and documenting necessary interventions to support the immediate safety and ongoing assessments of safety and risk for the youth and households within its district
- Completing case progress notes and other case documentation in accordance with time requirements
- Providing the primary district with all evidence gathered and documented in contemporaneous case notes, including but not limited to law enforcement reports,

certificates of conviction and reports and relevant documents obtained from collateral contacts, etc.

Following the initiation of a family assessment response, the secondary district is responsible for:

- Completing all assessment activities as per the request of and/or negotiation with the primary district. Generally speaking, the secondary district is responsible for all activities involving people or agencies located within its district
- Observing whether there are any threats to the immediate safety of children named in the report
- Completing case progress notes and other case documentation in accordance with time requirements
- Providing the primary district with all information gathered and documented in contemporaneous case notes, including any information obtained from collateral contacts, etc.

2. Jurisdictional assignment changes in open cases

If there is a need to assign secondary responsibility to an open case or to switch primary and secondary assignments, a CPS worker in the primary district should contact the designated person in the secondary district to discuss a change or addition to assigned responsibilities.

Once a report has been accepted by an LDSS, the SCR does not reassign the report or add jurisdictions. This must be done at the district level. For more information, see *CONNECTIONS Step-by-Step Guide: Training for CPS Workers*.

B. Different types of CPS reports

When a new call is made to the SCR regarding a specific family for which there is an open CPS investigation or FAR, the SCR could register the Subsequent report as another intake, a Duplicate Report, or an Additional Information report. The SCR has specific rules on when a report can be registered as a Duplicate or Additional information. If the new report does not meet these requirements, it will be registered as a Subsequent report. LDSSs have greater flexibility in identifying reports that are connected, and may mark such reports as a Duplicate or consolidate the report with an open investigation of FAR. Caseworkers should refer to “Guidelines for Consolidating Investigations” in the *CONNECTIONS Step-by-Step Guide* for more detail on when it is appropriate to consolidate a report.

1. Duplicate reports

In order for the SCR to process a new report as a duplicate report, the new report must provide the same or similar account of an incident(s) as an earlier registered report that is still open and undergoing an investigation, and **no new information that would add a subject, child or allegation to the previous report(s)**.

The new intake must name at least one of the same alleged subjects (it does not have to name all of them), at least one of the same allegedly maltreated or abused (MA/AB) children (it does not have to name all of them), and include the at least one of the same allegations (it does not have to include all of them) as the open report. When the SCR receives such a report, it designates it as a “Duplicate” report and merges the new report into the existing open report.

The investigatory requirements for a duplicate report are the same as those for an “original” report. If, however, investigatory requirements have been satisfied for the existing case, the efforts in that case do not need to be repeated. For example, if notifications have already been sent, they don’t need to be sent again. See the next section for system actions the CPS worker is required to perform.

A duplicate report is forever linked to the original report. Although the duplicate intake remains online and available for review, CPS workers do not need to provide additional documentation of safety or risk or engage in any other additional investigatory or FAR actions to respond to the duplicate report. The CPS determines whether the new duplicate report requires additional actions.

2. Additional Information reports

The SCR may receive information that is relevant to a CPS case that is either open for services or undergoing an investigation or FAR, but the information does not include allegations of child abuse or maltreatment, or is otherwise insufficient to register a report. In those instances, the SCR may register an Additional Information (*Add Info*) report. The Add Info contains no allegations of suspected abuse or maltreatment. However, it should include additional useful information related to the report to which it is connected.

The SCR combines the Add Info with the “original” report, adding new information into the case record. As there are no additional allegations of abuse or maltreatment associated with the Add Info, the CPS worker may not need to engage in any new actions precipitated by the Add Info, depending on the nature of the information added.

In all cases, the information in the Add Info should be read and assessed by the CPS worker to determine its importance in the investigation or FAR. The CPS worker and/or the supervisor

should determine what actions, if any, are necessary in the case in response to the information in the Add Info. CPS does not need to send new notification letters for an Add Info.

3. Subsequent reports

Subsequent reports are registered by the SCR when families have either:

- A child abuse or maltreatment report still undergoing an investigation or FAR at the time the SCR receives a subsequent report; or
- An existing open case, following an indicated child protective investigation, at the time the SCR receives a subsequent report.

AND the new report adds a subject, allegedly abused or maltreated child, or allegation to what was in the report being investigated or that was previously determined.

CPS must respond to a subsequent report by conducting an investigation as required by statute and regulation or FAR, just as it would for an initial or “original” report.

Whenever there is an existing open case and a call made to the SCR alleges child abuse or maltreatment with the same case composition, the SCR registers the new report as a subsequent report, rather than as a Duplicate or Add Info report, if new information would result in the addition to the open report of:

- A new subject(s)
- A new victim(s)
- New allegations

The same standards apply when there is a report of a child fatality in a family for which there is an open investigation. When a fatality report has been registered, and is still open, additional reports about the same fatality are not registered as new reports but as duplicate, subsequent, or additional information reports.

The SCR merges subsequent reports in CONNECTIONS (CONNX) into the existing open case and the subsequent report receives the same Case ID number as the original report. The subsequent report retains its own separate Intake Case ID and Stage ID.

The subsequent report will not show the same Case ID as the open case with which it is combined until after the daily overnight Case Merge/Split batch processing. After the batch process occurs, the subsequent report will have the same Case ID as the “original” report.

The following requirements apply to all subsequent reports that are *not* consolidated into existing investigations.

A subsequent report must receive a full investigation or FAR and be fully documented in CONNX. The subsequent report displays on the Assigned Workload as a separate report/stage. At the conclusion of the investigation, all allegations in a subsequent report must be substantiated or unsubstantiated.

When the source of a subsequent report is a mandated reporter, that person is entitled to information about the determination of a report that is investigated or to be informed that the report is being addressed by FAR, regardless of whether the report remains in subsequent report status or is later consolidated into an open report by the LDSS.

A CPS worker must provide the necessary notifications for every subsequent report received, whether it is received prior to or following a determination of the original case. See **Chapter 12, Notifications**, and **Appendix 11.A.5**.

Investigation

A new Notice of Existence letter must be mailed or delivered to each subject of the subsequent report and any non-culpable parent, guardian or other person legally responsible for the child(ren), within seven days of the receipt of the subsequent report, advising them of the existence of the report [18 NYCRR 432.2(b)(3)(ii)(f) & 432.3(j)]. This notice is generated in CONNX and is pre-filled with the name and address information maintained for each individual. The CPS worker must check the accuracy of the information prior to printing the notice. The CPS worker also must document in Progress Notes the date and method of delivery used [18 NYCRR 428.5] (See **Chapter 12, Notifications**).

If an investigation finds some credible evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR before January 1, 2022, or a fair preponderance of evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR on or after January 1, 2022,¹ the CPS must provide a Notice of Indication letter to each subject and each other adult person(s) named in the subsequent report within seven days of the investigation conclusion [18 NYCRR 432.3(k)]. This notice is generated in CONNX and is pre-filled with the name and address information for each individual. It is important to check the accuracy of the information prior to printing the notice. The date and method of delivery used for providing each Notice of Indication must be documented in Progress Notes [18 NYCRR 428.5].

If an investigation does not find some credible evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR before January 1, 2022, or a fair preponderance of evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR on or after January 1, 2022,² abuse or maltreatment, a Notice of Unfounding letter must be sent. This letter is computer-generated by the SCR. The SCR sends this letter to each subject and each other adult person(s) named in the report 14 days after an investigation is closed, using the name and address information entered into CONNX by CPS (see **Chapter 12, Notifications**).

Family Assessment Response

The CPS must provide written notification of the report to the parents of the children named in the report [SSL §427-a(4)(d)(i); 18 NYCRR 432.13(e)(2)(i)]. The CPS worker must document in Progress Notes the date and method by which parents were notified [18 NYCRR 428.5; 432.13(e)(5)].

For reports addressed by FAR, no more than seven days after closing the case, a CPS worker must provide a written notification to the parents of children named in the report that their case has been closed. The notification must inform the family that the record is sealed and will be maintained for ten years from the date the report was received and must also inform them that the subject of the report has the right to access the records [18 NYCRR 432.13(e)(2)(viii)]. Letters for this purpose are available in CONNX. Whenever feasible, a CPS worker should also discuss the case closing with the family.

¹ https://ocfs.ny.gov/main/policies/external/ocfs_2021/ADM/21-OCFS-ADM-26.pdf

² Ibid.

4. Consolidating Report Investigations and Consolidating FAR Stages:

LDSSs have the option of consolidating a report only after a subsequent report has been progressed to the Investigation or FAR stage. In Consolidation, the CPS worker closes the investigation or FAR stage associated with the subsequent report and consolidates it into an ongoing, open investigation or FAR stage by selecting the status “Close as duplicate.”

Consolidating report investigations and consolidating FAR stages differs from (and goes beyond the scope of) changing a report type to Duplicate. Duplicate reports reflect specific report criteria that are applied at intake by the SCR, while consolidating reports reflects the knowledge of CPS working with the family. Investigations and FAR stages may be consolidated regardless of whether or not the subsequent report meets the current intake criteria for a Duplicate report.

Since CPS has direct knowledge of the children and adults listed in the report, it is in a better position to determine whether a newly assigned report is duplicative of an ongoing report investigation. In these instances, the worker and supervisor may decide to consolidate the investigations.

However, a Fatality Investigation in which a 24-Hour Fatality Report and/or a 30-Day Fatality Report associated with a subsequent report has been started (in a status other than NEW) *cannot* be consolidated into the ongoing, open fatality investigation. A DOA/Fatality allegation can be added to an Investigation stage only at SCR Intake. LDSS CONNX users cannot add a fatality allegation to an open investigation.

See “Guidelines for Consolidating Investigations” in *CONNECTIONS Step-By-Step Guide: Training for CPS Workers* and the CONNECTIONS FAR Build Job Aid, “Consolidating a FAR Stage.”

Consolidating report investigations and consolidating FAR stages are designed to:

- Enhance family engagement strategies by fostering a more strength-based and minimally intrusive approach to child protective investigations
- Avoid unnecessary duplication of effort while maintaining the integrity of the investigation or FAR
- More accurately reflect New York State’s rate of repeat abuse and maltreatment by combining multiple reports involving the same basic family circumstances into the same Investigation stage
- Support the ability to change an Intake report type to Duplicate after the report has been stage progressed

A subsequent report can be consolidated into an ongoing open investigation or FAR stage only if the intake date of the subsequent report is within 53 days of the prior report intake date. The process of consolidating reports must be completed within six calendar days of the subsequent report intake date. There are many factors that CPS workers should consider before deciding whether to consolidate a subsequent report and technical criteria that must be met, as well as practice considerations that they may need to address after consolidation.

For more information, see “Guidelines for Consolidating Investigations,” in *CONNECTIONS Step-By-Step Guide; Training for CPS Workers*. Also see the OCFS policy directive “Practice Changes Associated with CONNECTIONS Build 16” ([03-OCFS-ADM-01](#)) and the *CONNECTIONS Child Protective Services Handbook*.

C. Out-of-town inquiries

There are two types of out-of-town inquiries (OTIs): out-of-state and district-to-district.

1. Out-of-state inquiries

An out-of-state OTI is usually a written request to the SCR from another state that is conducting a child protective investigation of a person who previously resided in New York State. An OTI may also be a request for a database check of a person who now lives in another state but previously lived in New York State.

A CPS from another state may be entitled to information from indicated reports or open investigations from the SCR's or LDSS's records for the purposes of conducting a child abuse/maltreatment investigation. The requesting state must certify (1) that the records and reports are necessary for a CPS investigation regarding the person who is the subject of the requested report; (2) that the requesting state will use the information provided only for its CPS investigation; and (3) that the records and reports from New York will not be re-disclosed to any other agency or person. The request for CPS report information by another state must be in writing, must contain the certification described above [SSL §422(4)(A)(s)], and must be mailed or faxed to the SCR.

The federal Adam Walsh Child Protective and Safety Act of 2006 (P.L. 109-248) requires states to check the child abuse and neglect registry of each state in which prospective foster and adoptive parent(s) and any persons 18 years of age or older who live in their homes have resided in the preceding five years for the purpose of determining if they have a history of child abuse or neglect. CPS should *not*, however, provide information directly to other states for this purpose. Other states must direct all such inquiries to the SCR. The number for such inquiries is 518-474-5297, Monday through Friday, 8 a.m. to 5 p.m.

2. District-to-district inquiries

A district-to-district OTI is made by one LDSS to another LDSS within New York State for assistance on a specific matter that involves a report of child abuse or maltreatment being investigated by the LDSS making the request. The assistance requested usually requires action that cannot easily be initiated by the CPS in the LDSS where the report is registered (e.g., the counties are far apart geographically and it is necessary to contact a relative in the second county). Generally, a district-to-district OTI does not involve the SCR; the LDSSs involved communicate by telephone and written communication to resolve the matter, often by assigning secondary responsibility for the case to the second LDSS.

D. Guidelines for case transfers

CPS case transfers generally occur when a family moves from one district to another district within New York State during the course of an open CPS investigation or FAR, or when there is an open protective services case. The case may be transferred to the LDSS of the district to which the family has relocated. The LDSS making the transfer relinquishes case responsibility and primary legal accountability going forward. In some instances, the LDSS may maintain a supportive responsibility (secondary assignment) if a significant family member continues to reside in that district. The CPS worker in the LDSS that wishes to transfer the case should contact the CPS worker in the other LDSS to discuss the details of the transfer and how to best serve the family, as described in the next section.

If the case is being addressed by FAR and the LDSS that will receive the case does not provide this differential response, the original LDSS must either complete and close the case or, if its work is not done, close the case and call in a new report, which will be investigated by the receiving CPS.

1. Transfers – Pre-determination or case closing

The LDSS initiating the transfer should take the following general steps:

- Determine the family's new address, if not already known. This can often be accomplished by contacting the former school district or the new school district, if there are children of school age in the case, or by making other collateral contacts.
- Decide whether a determination can be made prior to the case transfer. If there is some credible evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR before January 1, 2022, or a fair preponderance of the evidence to support the allegations of abuse or maltreatment in cases accepted by the SCR on or after January 1, 2022³, the case should be indicated at the time of the transfer. If the case can be determined to be unfounded, no transfer will be necessary. If no determination can be made before transfer, the sending LDSS must obtain approval from the receiving LDSS prior to transferring the case.
- Re-evaluate safety and risk whenever a family in an open case moves or has informed the LDSS of a planned move.
- Contact the receiving LDSS to facilitate discussion and reach agreement on the case transfer. Some negotiation may be necessary before all parties are satisfied with the transfer. It is best to conduct these discussions by direct phone contact rather than through voicemail or e-mail messages. CPS workers should make sure that agreements are confirmed before proceeding with a transfer.
- Discuss with the receiving LDSS the investigative findings and service recommendations to date, including services the family may have requested. If the case was addressed by FAR, discuss the nature of the work that has been done with the family, including the concerns, needs, and strengths identified with the family and any plans made or recommendations for using this information going forward, either in the context of an investigation approach or FAR, depending on which will be used.
- Notify the receiving LDSS of all relevant information, including emergency action that may be required.

³ https://ocfs.ny.gov/main/policies/external/ocfs_2021/ADM/21-OCFS-ADM-26.pdf

- Complete or update case information, including all required case documentation within CONNX, such as case progress notes and due or overdue safety and risk assessments.
- If applicable, notify any supportive (secondary) LDSS when a case transfer has occurred or is about to occur

2. Transfers – Indicated/Open services CPS cases

When an LDSS believes that an open, indicated case would be better served through management by another LDSS, the sending LDSS should make direct telephone contact with the intended receiving LDSS to discuss the service needs of the case and obtain agreement on the case transfer.

In general, the transfer of an open services case is based upon the service needs and overall best interests of the family. For example, if a case is currently receiving preventive services, the request would be for preventive services to continue and to be provided by the receiving LDSS. Similarly, if a family is receiving foster care services, the case would be transferred as a foster care case. If a case is open for CPS monitoring in the sending LDSS, CPS monitoring responsibilities may also be transferred. However, an ongoing services case can be transferred only if the receiving LDSS accepts the case and agrees to provide ongoing services to the family. In addition, if applicable, the sending LDSS should notify any supportive LDSS when a case transfer has occurred or is about to occur.

Once there is agreement about a case transfer, the sending LDSS should refer all appropriate case information and documents to the receiving LDSS. The information and documents should include, but are not limited to:

- Current list of family members and their addresses, phone numbers, and any other contact information
- Summary of case activity, including actions necessary to support child safety
- Reason for the case transfer
- Explanation of the immediate service needs of the family
- Date of indication and supportive documentation/reasons
- Name of caseworker(s) involved and phone number(s)
- Case initiation date
- Updated case progress notes
- Updated medical information
- Psychological reports
- Law enforcement information
- Notification to any Family Court where there is a standing order or a pending case
- Family court documents (petitions, orders)
- Initial and most recent FASP (including safety & risk assessments)
- Evaluations (educational, psychological etc.)
- Information related to the attorney for the child (name, contact information, reports)

Some OCFS regions have written protocols that outline agreed-upon case transfer procedures among their LDSSs. CPS workers should contact their respective Regional Offices to obtain copies of any such written protocols and procedures.

3. Movement out of state

When an LDSS has reason to believe that a family that has been reported for child abuse or maltreatment has moved out of state, regardless of the status of the report, the family should be referred to the appropriate out-of-state agency if the child(ren) are or may be in need of protection. After verifying to the extent reasonably possible that the family has in fact moved out of state, the CPS worker should take the following steps:

- Attempt to obtain the family's new address in the state where the family has moved. If the caseworker has not been given the address, he/she should attempt to locate the family through a variety of other methods. For example, the worker could ask the child(ren)'s former school district where the child(ren)'s school records have been sent.
- Make the determination for any pending child protective investigation by completing the investigation conclusion and selecting the reason code that indicates the family has moved out of jurisdiction.
- Consider making a child protective report to the appropriate state agency in the family's new state. A new report should be made if there are any ongoing issues of safety and/or imminent risk of harm. CPS workers can obtain a listing of state agencies and contact information from the SCR, which can also assist in determining the appropriate out-of-state agency.
- Notify the Family Court that the family has moved out of state in cases where there is a standing order or a pending court case.

E. Sensitive and high-profile investigations

When a case is marked “sensitive,” access to case records is automatically limited, and the case may need special handling. This occurs where such protection is reasonable and appropriate to protect the privacy and confidentiality of the record. This may include, but is not limited to, cases in which:

- A subject, child, or other person named is famous or in the public eye, or the case is receiving a high level of public attention (e.g., a celebrity, public figure, or a prominent person in the community, is involved with or is related to the case; a child fatality or near-fatality that is receiving a lot of attention by the press and/or media)
- A subject or other person named is a CPS worker, an SCR employee, or works for or with the LDSS or OCFS in a position in which they are known to the investigatory agency
- A subject or victim is otherwise personally known to local CPS staff from an arena outside the scope of employment

In such circumstances, the SCR or LDSS may choose to mark the case “sensitive” to further guard the individual’s right to privacy and maintain case confidentiality. In sensitive cases, access to case information is restricted within the investigating LDSS and throughout the CONNX environment.⁴ For more information, see “Statewide Central Register Jurisdictional Assignment of Sensitive Child Protective Services Intake Reports” ([17-OCFS-LCM-15](#)).

1. Transferring a sensitive case to another LDSS

a. *When an LDSS employee is named in a report*

When an LDSS worker (a CPS caseworker or other child welfare staff person, or person in a position of authority within the LDSS) is reported as a subject, the case should be marked as “sensitive,” and responsibility for the case should be assigned to a neighboring LDSS to avoid either an actual conflict of interest or the appearance of a conflict of interest. This should be done only after obtaining the agreement of the other LDSS’s CPS or where there is a previous reciprocal agreement between the LDSSs. This action can help the LDSS avoid any questions about the independent nature of its response, and also provide the subject with another layer of protection of his or her privacy and right to confidentiality.

If the SCR is aware of a potential conflict at the point of intake, it will mark the case “sensitive” and, after conferring with and obtaining its agreement, will assign investigative responsibility to a neighboring LDSS. If the SCR does not identify the issue at intake, the LDSS should designate the case as “sensitive” and then follow case transfer procedures. The LDSSs should consult with the appropriate OCFS Regional Office if technical assistance is needed or warranted at any point in this process.

Reports of suspected child abuse and maltreatment involving other LDSS staff (e.g., income maintenance, medical assistance, etc.) generally should be marked “sensitive” and CPS may need to determine if it is appropriate to transfer the case to a neighboring LDSS

An LDSS occasionally may also transfer other sensitive cases to another LDSS, such as when a person with a high profile in the originating county is named in the report. There may

⁴ *CONNECTIONS Case Management Step-by-Step Guide*, Module 2, pp. 24-27.

be other special circumstances that need to be assessed for “sensitive” handling on a case-by-case basis.

b. *When a person named in a report is known to a CPS employee*

When the subject(s) or other person named in a child abuse or maltreatment report is already personally known to a CPS worker from outside the scope of the job, it is advisable to mark the case “sensitive” and assign it to a worker who does not know the subject(s) or other person named in the report to conduct the investigation or FAR. Because this situation typically would involve only one CPS worker, there is no need to involve an outside LDSS.

c. *Responsibilities after a sensitive case is indicated*

When a neighboring CPS unit assumes the responsibility for investigating or providing a family assessment response for a sensitive report, it may terminate its involvement with a case when it has:

- Completed required safety and risk assessments and/or a FLAG
- Addressed the child(ren)'s welfare and protection
- Rendered a determination when there has been an investigation
- Developed a service plan, where appropriate

After the neighboring CPS, has indicated the case and developed a service plan, the case may be transferred to the district in which the subject(s) resides. If the neighboring LDSS finds that it is necessary to initiate a court proceeding, the actions based upon those findings must be undertaken by the “home” LDSS in its own jurisdiction [FCA §1015].

If a subject of the report requests an administrative review and a fair hearing under either [SSL §422\(8\)](#) or [SSL §424-a](#), the neighboring LDSS that made the original determination will be required to present the case record and to appear at the hearing as part of the normal appeals process. The hearing may be scheduled in the subject’s home district.