

Chapter 15: Glossary of terms

Abused Child: a child, less than 18 years of age, whose parent or other person legally responsible for his/her care:

- Inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- Creates or allows to be created a substantial risk of physical injury to such child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
- Commits, or allows to be committed, a sex offense against such child, as defined in the Penal Law allows, permits or encourages such child to engage in any act described in sections 230.00, 230.25, 230.30 and 230.32 of the Penal Law; commits any of the acts described in section 255.25 of the Penal Law; or allows such child to engage in acts or conduct described in article 263 of the Penal Law; provided, however, that the corroboration requirements contained in the Penal Law and the age requirement for the application of article 263 of such law shall not apply to proceedings under article 10 of the Family Court Act (child protective proceedings).

[FCA §1012(e); 18 NYCRR 432.1(a)(1)-(3)]

Case Initiation Date (CID): The first day of a Family Service Stage and the earliest of one of the following events:

- Date of CPS Indication;
- Date of application for services;
- Date of placement; or
- Date of court order.

[18 NYCRR 428.2(a)]

Case Management : The responsibility of the local social services district to authorize the provision of protective services for children, to approve in writing the child and family services plan, and to approve in writing the reports to be submitted to the Statewide Central Register of Child Abuse and Maltreatment (SCR) and the filing of such reports to the SCR.

[18 NYCRR 432.1(m)]

Case Manager: A system role assigned to a local district staff person with the responsibility to authorize the provision of services, approve eligibility determination and approve the FASP. There can only be one Case Manager; however, in instances where the local district is providing services directly, the Case Planner and the Case Manager may be the same individual.

[18 NYCRR 428.2)(b)]

Case Planner: A programmatic and regulatory role, as well as a system role assigned to a local district or voluntary agency staff person who is primarily responsible for coordinating and evaluating services to the family, as well as periodically completing the FASP in a timely fashion. The Case

Planner reviews the work of all other workers who have contributed to the FASP and accepts or revises the information accordingly.

[18 NYCRR 428.2(c)]

Case Planning: Assessing the need for, providing or arranging for, coordinating and evaluating the provision of protective services for children and all other rehabilitative services provided to children named in abuse and/or maltreatment reports and their families. Case planning includes referring child(ren) and his/her family to providers of rehabilitative services, as needed. Case planning responsibility also includes recording in the child's uniform case record that such services are provided and that casework contacts are provided. In addition, case planning includes the timely completion of reports required to be submitted or transmitted to the SCR.

[18 NYCRR 432.1(n)]

Caseload: The number of cases to which an individual CPS worker provides either pre-determination and/or post-determination services or a family assessment response. A case is established through the SCR numbering process and is the result of a report of suspected child abuse or maltreatment being made to the SCR.

[18 NYCRR 432.1(u)]

Caseworker: a programmatic and regulatory role, as well as a system role assigned to a local district or voluntary agency staff person. The caseworker is responsible for completion of specific work within the FASP and may be responsible for a specific child only, multiple children, or no children in the case. There can be multiple caseworkers assigned to a case.

Casework Contacts: Face-to-face contacts with a child and/or a child's parents or guardians, or activities with the child and/or the child's parents or guardians, which may include but are not limited to:

1. Facilitating information gathering and analysis of safety factors;
2. Facilitating information gathering and analysis of the inter-relatedness of risk influences and individual risk elements affecting family functioning;
3. Reaching a determination on the allegations reported to the State central register;
4. Providing necessary protection to the child and/or ensuring the provision of such protection;
5. Providing rehabilitative services to reduce risk to the child and/or ensuring the provision of such services;
6. Evaluating the level of progress being made toward achievement of outcomes set forth in the family and children's service plan; and
7. Assessing family needs and strengths and facilitating the provision of services in conjunction with a family assessment response.

[18 NYCRR 432.1(o)]

Casework Supervision: The provision of guidance and support to a CPS worker in planning and taking actions with or pertaining to a family in the worker's caseload. Actions supervised include, but are not limited to, the initial steps to be taken in response to a report of child abuse or maltreatment, taking protective custody of a child, developing and carrying out a service plan for a family, and deciding when to close a case.

[18 NYCRR 432.1(v)]

CONNECTIONS: The computerized electronic system of record that is used for recording child welfare case information in New York State, including information regarding reports of alleged child abuse and maltreatment and the provision of protective services. This term will also apply to any successor reporting system that may be required by OCFS for recording such information.

[18 NYCRR 432.1(ak)]

Consolidated Investigation: When a subsequent investigation stage is closed by CPS and consolidated into an ongoing, open investigation stage. Consolidating investigations allows streamlining of investigative documentation but does not exempt CPS from required investigative functions. Consolidation is different from changing a report type to “duplicate.”

Controlling Interventions: Activities or arrangements designed to protect a child from unsafe situations, behaviors or conditions associated with immediate danger of serious harm, and without which the unsafe situations, behaviors or conditions would still be present or would be likely to immediately return.

[18 NYCRR 432.1(ab)]

Dispositional Hearing: A hearing for the purpose of determining what order of disposition should be made (e.g., placement, return to parents, order of protection).

[FCA §1045]

Documentation File: Memos and procedures compiled by a local district that support compliance with the statutory and regulatory requirements related to CPS.

[18 NYCRR 432.1(q)]

Duplicate Report: A report of the same incident of suspected child abuse or maltreatment involving the same child(ren), subject and allegations previously reported to the SCR.

Expungement: The physical erasure or obliteration/destruction of information. Generally, expungement is a term used for the destruction of the record of a report and an investigation of child abuse or maltreatment from local child protective services records contained within the CONNECTIONS system, the LDSS external paper record, and any state-maintained section of the record.

Fact-Finding Hearing: A hearing to determine whether a child is an abused or neglected child as defined by the Family Court Act. Determinations at a fact finding hearing are based on a preponderance of the evidence.

[FCA §1044]

Family and Children's Services Plan: The case planning requirements of the uniform case record pursuant to OCFS regulations.

[18 NYCRR 432.1(l)]

Family Assessment and Services Plan (FASP): The electronic documentation of assessments, service planning and service provision provided to a child(ren) and family, as developed and maintained according to uniform case record requirements.

Family Assessment Response (FAR): An alternative child protective response to reports of child abuse and maltreatment in which no formal determination is made as to whether a child was abused

or maltreated, and which is based on principles of family involvement and support consistent with maintaining the safety of the child. In family assessment response, the family and child protective service jointly participate in a comprehensive assessment of the family's strengths, concerns, and needs, and plan for the provision of services that are responsive to the family's needs and promote family stabilization, to reduce risks to children in the family.

[18 NYCRR 432.1(ad)]

Family Assessment Response Track: The employment of the family assessment response to address a report of alleged child abuse or maltreatment by using family assessment response-specific processes and practices for the assessment of safety, risk, and family strengths and needs and the development and implementation of solution-focused plans to address identified needs.

[18 NYCRR 432.1(ae)]

Family Led Assessment Guide (FLAG): A tool used in a family assessment response by all members of the family and child protective service staff to jointly identify the family's individual and family strengths, needs and concerns. The contents of the FLAG are specified by OCFS.

[18 NYCRR 432.1(ag)]

Impairment of Emotional Health/Impairment of Mental or Emotional Condition: A state of substantially diminished psychological or intellectual functioning in relation to, but not limited to, such factors as failure to thrive, control of aggressive or self-destructive impulses, ability to think and reason, or acting out or misbehavior, including incorrigibility, ungovernability or habitual truancy; provided, however, that such impairment must be clearly attributable to the unwillingness or inability of the respondent to exercise a minimum degree of care toward the child.

[FCA §1012(h)]

Indicated Report: A report made in which an investigation determines that some credible evidence of the alleged abuse or maltreatment exists. The standard of proof used to determine whether to indicate or unfound a report of suspected abuse or maltreatment 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 evidence** to support the allegations of abuse or maltreatment in cases accepted by the SCR on or after January 1, 2021. Some credible evidence is defined as evidence that is worthy of being believed. A fair preponderance of the evidence is defined as evidence that outweighs other evidence that is offered to oppose it. [See 18 NYCRR 434.10(h)]

[18 NYCRR 432.1(g)]

Initial Report: A report of suspected child abuse or maltreatment registered by the SCR when there is no previous investigation regarding the child or family open in CONNECTIONS.

Investigative Track: The employment of child protective service procedures, as established in 18 NYCRR 432.2, to address a report of alleged child abuse or maltreatment by using methods of investigation, assessment of safety and risk, and determination of such report as indicated or unfounded.

[18 NYCRR 432.1(af)]

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

Legally sealed report: A report made to the SCR that was determined to be unfounded based on a lack of some credible evidence or a report made to the SCR that was assigned to the family assessment response track.

[18 NYCRR 432.1(ac)]

Maltreated Child: A child less than 18 years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired because of the failure of his/her parent or other person legally responsible for his/her care to exercise a minimum degree of care:

- In supplying the child with adequate food, clothing, shelter or education in accordance with the provisions of Part 1 of Article 65 of the Education Law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or in the case of an alleged failure of the parent or PLR to provide education to the child, notwithstanding the efforts of the school district or local educational agency and child protective agency to ameliorate such alleged failure prior to the filing of the petition; or
- In providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, including the infliction of excessive corporal punishment; or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature requiring the aid of the court; provided, however, that where the parent or other person legally responsible is voluntarily and regularly participating in a rehabilitative program, evidence that the parent or other person legally responsible has repeatedly misused a drug or drugs or alcoholic beverages to the extent that he loses self-control of his actions shall not alone establish that the child is a neglected child in the absence of evidence establishing that the child's physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired.

A maltreated child also may have been abandoned by his/her parents or other person legally responsible for his/her care, or a child who has had serious physical injury inflicted upon him/her by other than accidental means.

[18 NYCRR 432.1(b)(1)-(3)]

Monitor: The employee of the child protective service who is monitoring the services being provided by someone other than the child protective service employee to children named in an indicated case of child abuse and/or maltreatment which is open in the SCR and their families.

[18 NYCRR 432.1(k)]

Monitoring: The active continued involvement of the LDSS's child protective service with those indicated cases of child abuse and maltreatment which are open on the SCR, but where the child protective service worker(s) are not the primary service provider for the case. The purpose of such involvement is to ensure the continued safety of the child(ren) in the case, that risk reduction activities and services are being implemented, and that the service plan is modified when progress has been insufficient.

Neglected Child: A child less than 18 years of age whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care or a child who has been abandoned by his/her parents or other person legally responsible for his/her care.

[FCA §1012(f)]

OCFS: The New York State Office of Children and Family Services or any successor state agency of that or any other name that is responsible for the supervision of CPS in New York State. References to the department also refer to OCFS.

[18 NYCRR 432.1(ai)]

Other Person Named in the Report: Persons who are named in a report of child abuse or maltreatment other than the subject of the report: any child and/or children who are named in a report made to the State Central Register of Child Abuse and Maltreatment and the parent, guardian or other person legally responsible for such child(ren) which parent, guardian or other person legally responsible for such child(ren) have not been named in the report as the person allegedly responsible for causing injury, abuse or maltreatment to such child(ren) or as allegedly allowing such injury, abuse or maltreatment to be inflicted on such child(ren).

[18 NYCRR 432.1(e)]

Person Legally Responsible: The child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

[FCA §1012(g); 18 NYCRR 432.1(c)]

Post-determination: The period beginning with the time a report of suspected child abuse or maltreatment is determined to be indicated and the family continues to receive CPS through the time that the CPS case is closed.

[18 NYCRR 432.1(t)]

Pre-determination: The period between the time a report of suspected child abuse or maltreatment is made, and a determination report is submitted or transmitted to the State Central Register.

[18 NYCRR 432.1(s)]

Preliminary Assessment of Safety: An evaluation of safety factors to determine whether the child(ren) named in the report and any other child(ren) in the household may be in immediate danger of serious harm, and, if any child is assessed to be unsafe, undertaking immediate and appropriate interventions to protect the child(ren).

[18 NYCRR 432.1(aa)]

Primary Service Provider: A caseworker who is responsible for both case planning and providing casework contact services to children named in indicated abuse and/or maltreatment reports and their families.

[18 NYCRR 432.1(r)]

Probation Services: Services provided by a probation service that are related to the provision of protective services.

[18 NYCRR 432.1(z)]

Protective Custody: The act of taking and retaining a child or children from a place, or residence, circumstance or condition by a peace officer, a law enforcement official, or an agent of a duly incorporated society for the prevention of cruelty to children, a designated employee of a city or county department of social services or a physician employed by a hospital or similar institution, treating a child, without the consent of a parent or guardian whether or not additional medical

treatment is required, if such person has reasonable cause to believe that the circumstances or conditions of the child is such that continuing in his place of residence or in the care and custody of the parent or guardian presents an imminent danger to the child's life or health. The child must be brought to a place approved for such purpose by the local social services department, unless the person is a hospital physician treating the child and the child is or will be presently admitted to a hospital. The hospital physician is required to notify the person in charge of the hospital that he has taken protective custody of the child and requires such person to then become responsible for the further care of the child. Where a child is taken into protective custody a petition must be filed on the next regular week day session of the family court for the child to remain in protective custody.

[FCA §1024(a); SSL §417]

Protective Services for Children: Activities on behalf of children under the age of 18, who are named in an alleged or an indicated report of abuse and/or maltreatment. The following activities may be considered protective services for children:

1. Identification and diagnosis, including assessment of a child's safety and risk to the child of abuse or maltreatment;
2. Receipt of child abuse and/or maltreatment reports and investigation thereof, including the obtaining of information from collateral contacts such as hospitals, school and police;
3. Making determinations, following investigations, that there is credible evidence of child abuse and/or maltreatment;
4. Receipt of child abuse and/or maltreatment reports and the provision of a family assessment response to such reports, including communicating with the family to identify concerns affecting family stability and assisting them to identify services and resources that will minimize future risk to a child;
5. Providing counseling, therapy and training courses for the parents or guardians of the individual, including parent aide services;
6. Counseling and therapy for individuals at risk of physical or emotional harm;
7. Arranging for emergency shelter for children who are suspected of being abused and/or maltreated;
8. Arranging for financial assistance, where appropriate;
9. Assisting the Family Court or the Criminal Court during all stages of a court proceeding in accordance with the purposes of Title 6 of Article 6 of the Social Services Law;
10. Arranging for the provision of appropriate rehabilitative services, including but not limited to preventive services and foster care for children;
11. Providing directly or arranging for, either through purchase or referral, the provision of day care or homemaker services, without regard to financial criteria. Programmatic need for such service must have been established because of the investigation of a report of child abuse and/or maltreatment received by the State Central Register and such services must terminate as a protective service for children when the case is closed with the register, pursuant to the standards set forth in 18 NYCRR 432.2(c);
12. Monitoring the rehabilitative services being provided by someone other than the child protective service worker;
13. Case management services;
14. Case planning services; and
15. Casework contacts.

[18 NYCRR 432.1(p)]

Public Hearing: A hearing held prior to the submission of a local plan in a place and at a time which will allow the maximum number of concerned citizens and professionals to attend. The hearing shall be publicized in a manner which would bring the meeting and its purpose to the attention of the maximum number of agencies and individuals. Notice of such hearings should be publicized at least two weeks in advance through local media and through notices mailed by the local department of social services to appropriate groups, organizations and community agencies. The meeting shall be conducted in such a way as to encourage recommendations from those in attendance.

[18 NYCRR 432.1(h)]

Rehabilitative Services: Those services necessary to safeguard and protect the child's well-being and development and to preserve and stabilize family life, including but not limited to preventive services and protective services for children, provided, however, that no activity relating to the receiving of reports of child abuse and/or maltreatment or the investigation thereof and the determination as to whether or not such a report is indicated or unfounded, or to the family assessment response for such reports, will be considered a rehabilitative service.

[18 NYCRR 432.1(i)]

Risk: The likelihood that a child may be abused or maltreated in the future.

Risk Assessment: An evaluation of elements that pertain to and influence a subject of the report, other persons named in the report and any other children in the household to assess the likelihood that such child(ren) named in the report or in the household will be abused or maltreated in the future.

[18 NYCRR 432.1(w)]

Risk Assessment Profile (RAP): An evidence-based assessment tool, within CONNECTIONS, used to classify the level of risk within a family and thereby the likelihood of future abuse or maltreatment.

[18 NYCRR 432.2(d)]

Safety: Child safety is defined as no immediate threat of serious harm to a child's life or health as a result of acts of commission or omission by the child's parent(s) or other person legally responsible.

Specialized Rehabilitative Services: Assessment, diagnosis, testing, psychotherapy, and specialized therapies provided as a component of a service plan to children named in an indicated child abuse and/or maltreatment report and their families by a person who has received a master's degree in social work, is a licensed psychologist, is a licensed psychiatrist or other recognized therapist in human services or is a licensed or qualified individual including, but not limited to, a registered nurse or an alcohol or substance abuse counselor. Such service providers may be making casework contacts as defined in 18 NYCRR 432.2(b)(3) when the specialized rehabilitative services are directed by, arranged by, or otherwise coordinated by the case planner.

[18 NYCRR 432.1(x)]

State Central Register: The New York Statewide Central Register of Child Abuse and Maltreatment (SCR) or any successor agency that assumes the duties and responsibilities established in Section 422 of the Social Services Law. References to the SCR or the register and any variations of that name also refer to the State Central Register.

[18 NYCRR 432.1(aj)]

Subsequent Report: A report of suspected child abuse or maltreatment registered by the SCR when there is a previous investigation regarding the child or family open in CONNECTIONS.

Supportive Services: Services provided to the children named in an indicated report and/or their families including, but not limited to, parent aide services, homemaker services, or home health aide services, parent training services, housekeeper/chore services; and home management services. Persons providing such services may be making casework contacts as defined in 18 NYCRR 432.2(b)(3) when the supportive services are directed by, arranged by or otherwise coordinated by the case planner.

[18 NYCRR 432.1(y)]

Subject of the Report: Any of the following persons who are allegedly responsible for causing injury, abuse or maltreatment to, or allowing injury, abuse or maltreatment to be inflicted on, a child named in a report to the State Central Register of Child Abuse and Maltreatment:

1. A child's parent or guardian; or other persons legally responsible
2. A director, operator, employee or volunteer of a home operated or supervised by an authorized agency, OCFS, a family day-care home, a day-care center, a group family day-care home, or a school-age child care program; who allegedly is responsible for causing injury, abuse, or maltreatment to a child who is reports to the Statewide Central Register of child abuse or maltreatment, or who allegedly allows such injury, abuse or maltreatment to be inflicted on such child.

[SSL §412(4); 18 NYCRR 432.1(d)]

Some Credible Evidence: Any evidence which is worthy or capable of being believed.

[18 NYCRR 434.10(h)]

Subsequent Report: A report of suspected child abuse or maltreatment registered by the SCR when there is a previous investigation regarding the child or family open in CONNECTIONS.

Unfounded Report: means any report made, unless an investigation determines that some credible evidence of the alleged abuse or maltreatment exists. (Editor's note: that is, any report in which a CPS investigation does not find some credible evidence of the alleged abuse or maltreatment.)

[SSL §412(6); 18 NYCRR 432.1(f)]

Wraparound Funding: Flexible and non-categorical funding used for the short-term provision of goods and services to meet family-identified needs, as part of a plan to support the family's ability to provide adequate care to their children and/or to minimize risk for one or more children in their household. The choice of goods and services is individualized to meet the unique needs of each child and family.

[18 NYCRR 432.1(ah)]