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**Administrative Directive**

<b>Transmittal:</b>	07-OCFS-ADM-12
<b>To:</b>	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies
<b>Issuing Division/Office:</b>	Office of Strategic Planning and Policy Development
<b>Date:</b>	October 5, 2007
<b>Subject:</b>	Access to Child Protective Services Investigation Information
<b>Suggested Distribution:</b>	Directors of Services Child Protective Services Supervisors Child Welfare Supervisors Staff Development Coordinators Contract Preventive Agency Program Directors Voluntary Agency Foster Care and Adoption Program Directors CONNECTIONS Implementation Coordinators
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<b>Attachments:</b>	yes
<b>Attachment Available Online:</b>	n/a

**Filing References**

Previous ADM	Releases Cancelled	Dept. Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.
05-OCFS-ADM-02		18 NYCRR 428.3(h), 428.5(c)(2), 432.2(b)(3)(ii)(b)	SSL 422(4)(A) SSL 424		June 8, 2007 letter from OCFS to Commissioners and Executive Directors

## **I. Purpose**

The purposes of this Administrative Directive are the following:

- To identify the modifications made to the CONNECTIONS application that will permit Voluntary Authorized Agency Foster Care/Adoption staff and Contract Preventive Agency staff (VA/Prev), who have an appropriately assigned role in a case, to access information maintained in Child Protective Services (CPS) Investigation stages that are “Under Investigation” or “Indicated”.
- To identify existing statutory and regulatory authority for providing access to CPS information.
- To reinforce the mandate for maintaining the confidentiality of the reporter/source of a CPS report.
- To provide policy and practice guidelines for staff who will have the authority to access this information and the commensurate responsibilities for maintaining the confidentiality of such information.

## **II. Background**

The original federally approved design of CONNECTIONS supported comprehensive access to all case information maintained in the New York State (NYS) electronic case management system, in accordance with statutory and regulatory provisions and on a need-to-know basis. Access was designed to include all CPS investigation stages (except information in “Unfounded” investigation stages) and Family Services Stages for all Child Protective/Child Welfare cases, including, but not limited to, all progress notes maintained in each case. This access was scheduled to be supported statewide with the implementation of Build 18, beginning in March 2005. Prior to scheduled implementation, it was discovered that identifying information relative to the source of the CPS report was documented in some CPS investigation stage progress notes. To minimize the potential for non-compliance with section 422(4)(A) of the Social Services Law (SSL), which establishes limitations on the disclosure of the name and identifying information of the reporter/source of a report of suspected child abuse or maltreatment, it was necessary to prohibit access to CPS investigation stages by VA/Prev staff until a technological and programmatic solution could be developed that would address the issue of confidentiality of the reporter/source.

By letter dated October 14, 2004, OCFS informed commissioners and executive directors of the necessary changes to Build 18 and instructed CPS staff on the new process for documentation of all information relevant to the reporter/source of the report in progress notes in the investigation stage. This was further reinforced in subsequent amendments to OCFS regulations 18NYCRR 428.3(h), 428.5(c)(2), and 432.2(b)(3)(ii)(b), and 05-OCFS ADM-02 (Build 18–Case Management Administrative Directive) issued on April 19, 2005.

Included in Build 18 to facilitate broader notification, CONNECTIONS currently supports an “Alert” that is forwarded to each person with an assigned role in the case, including all VA/Prev, notifying them of the existence of a new CPS report on a specific case on their workload and sends another “Alert” at the time of the determination. This supports notification to the VA/Prev staff person of necessary information relevant to their work with families they serve. VA/Prev staff may then contact the CPS worker to discuss the safety concerns in the case, allegations in the report and other critical issues that the VA/Prev worker needs to know in providing ongoing services and support to the family and further protection of the child(ren). The modifications to CONNECTIONS identified in this administrative directive will improve upon the current process, support and enhance effective collaboration and provide immediate access to essential information regarding family issues or circumstances that VA/Prev staff needs to assist in protecting children, providing effective services, and supporting families.

### **III. Program Implications**

In accordance with section 422(4)(A)(o) of the SSL, where a LDSS refers a child or family to a voluntary authorized agency providing foster care or adoption services or to a preventive services agency, or when a child or a child’s family has referred themselves at the request of child protective or the social services district, such agency is authorized to receive reports or other information necessary on “Under Investigation” or “Indicated” reports of abuse or maltreatment to enable the voluntary authorized agency or preventive services agency to establish and implement a plan of services for the child or family and to directly provide services to such child or family. In addition, voluntary authorized agencies providing foster care for a child named in a report, whether under investigation or indicated, are authorized access to CPS information pursuant to section 422(4)(A)(c) of the SSL.

Access in CONNECTIONS will be provided to all historical Child Protective Services (CPS) Investigation stages established as of January 1, 2006, for all VA/Prev staff. This will include access through an “Implied Role” to CPS investigation information in both “Indicated” and “Under Investigation” stages for the children and families served through contractual agreements with, and on behalf of, local departments of social services and the New York City Administration for Children’s Services (LDSS/ACS), but excludes all access to any investigation stages where the report is determined as “Unfounded.” For CPS investigation stages prior to January 1, 2006, allegations contained in reports, results of the investigation, safety and risk assessments, events related to the investigation of fatalities, case history, and other pertinent information will be shared, as is currently required and noted in the Background section of this directive, with service providers, in a manner which is consistent with statute and safeguards the confidentiality of the information.

## IV. Required Action

Access to historical and current information maintained in a CPS investigation stage will provide all assigned staff, responsible for the ongoing safety, health, well-being and permanency of children, the ability to be better informed and effective in both protecting children and providing essential services and support to children and families. This includes all CPS, Preventive, Foster Care and Adoption staff.

### Documentation of Reporter/Source

As previously instructed in 05-OCFS-ADM-02, effective April, 2005 all identifying information related to the reporter/source of a report of abuse or maltreatment made to the SCR must be documented in the following manner:

- All CPS staff are required to *enter any identifying information related to contacts with the reporter/source in Investigation Stage Progress Notes only, using the “Other Participant” data field with the value of “reporter/source.”*
- Social services district staff must not include any identifying information regarding the reporter/source, including the agency, institution, organization, program, and/or other entity with which the person is associated, in any narrative field in Safety Assessments, the Risk Assessment Profile, Investigative Actions, or Investigative Findings.
- Identifying information related to reporter/source of a child protective services report must not be included in any progress note in the Family Services Stage, or any other narrative portion of the Family Services Intake or Family Services Stage.

### Confidentiality

**IMPORTANT:** CPS information received by staff of a voluntary authorized agency or a preventive services agency from LDSS/ACS is confidential pursuant to section 422(4)(A) of the SSL and such information may not be shared with any other person or agency, unless authorized by law.

The following are examples of authorized re-disclosure by a voluntary authorized agency or preventive services agency of CPS information received from a LDSS/ACS:

- CPS information received pursuant to section 422(4)(A)(o) of the SSL may be shared with other persons or agencies which also provide services to the child or family only if there is an agreement between the voluntary authorized agency or the preventive services agency and the applicable LDSS/ACS that sets forth the persons and/or agencies to which CPS information may be shared and such agreement is described in the LDSS/ACS’s consolidated services plan prepared and approved pursuant to section 34-a of the SSL.

- A voluntary authorized agency or a private preventive services agency may re-disclose CPS information received pursuant to section 422(4)(A)(o) of the SSL to those persons or agencies set forth in sections 422(4)(A)(a), (b), (c), (j), (k), (l), (m) and (q) of the SSL in order to facilitate an investigation conducted by such persons or agencies.

Note: Section 422(12) of the SSL sets forth a criminal penalty for the willful permitting or encouragement of the release of confidential CPS information to any person or agency not authorized to have access.

#### COMMUNICATIOIN WITH PARENT OR CHILD:

A voluntary authorized agency or a preventive services agency is *not* legally responsible or authorized to notify a parent, relative, guardian, or other person legally responsible for the child of the existence of a report of suspected child abuse or maltreatment. That is the legal responsibility of the applicable LDSS/ACS.

When a voluntary authorized agency or a preventive services agency is advised by a LDSS/ACS of the existence of a report of suspected child abuse or maltreatment, such agency must *not* notify the family or child of the existence of the report. Such disclosure is not authorized by law and may jeopardize the investigation and the efforts to prevent further abuse or maltreatment.

If the parent or child directly advises the VA/Prev worker of the existence of the report, then as it occurs now, it is the responsibility of the VA/Prev worker to assist the parent, subject and child to understand, in conjunction with CPS, what happens in an investigation, what the family may expect, and how this may affect the current safety plan and/or services plan that the family is currently engaged in with the VA/Prev worker. The focus of this interaction is how the new investigation will impact the efforts the family and the VA/Prev workers are engaged in to address the needs of the family. It is the CPS worker's responsibility to explain the allegations, clarifying to the family the process of the investigation and what actions will be taken relative to the new report to protect the child(ren) and complete the full investigation and determine the report.

If a parent or child asks the voluntary authorized agency or preventive services agency to provide them with CPS information, which such agency received from the LDSS/ACS, the agency should refer the parent or child to the applicable LDSS/ACS to request access to the information.

#### **Mandated Reporter**

Agency policy may recommend that staff, in their role as a mandated reporter, inform a parent, caretaker, legal guardian or other person legally responsible, when it is necessary to report a child for the suspicion of abuse or maltreatment to the State Central Register. To support a respectful and honest relationship with the client this may be appropriate in many situations. However, it is critical to evaluate the specific circumstances of the

suspected abuse or maltreatment prior to advising the subject to confirm that such advisement neither compromises the ability of CPS to conduct their investigation nor jeopardizes the safety of the child(ren). An example of this is when there are allegations of sexual abuse. It is imperative that CPS have the ability to coordinate the investigation with the police, or other members of a multi-disciplinary team trained to interview children and subjects, so that they can address the immediate safety of the child(ren) and gather evidence in a manner that will sustain the ongoing safety and well-being of the child(ren).

Heretofore, there has been confusion regarding the ability of staff to clearly identify and document in the FSS progress notes when they have made a report to the SCR. This ADM will serve to clarify that issue. **LDSS staff and VA/Prev staff should maintain documentation that a call to the New York State Central Register was made when there is a reasonable cause to suspect child abuse or maltreatment. VA/Prev staff are permitted to document that they have made a report to the SCR in the progress notes in the Family Services Stage (FSS).** Documentation of the report made to the NYS Central Register may also be maintained in a separate log if the VA/Prev agency chooses to do so. Staff should also document if they attempted to make a report to the SCR, and the report was not accepted. As a mandated reporter, there is a liability for failure to report. The FSS progress notes are the business record of the agency and the staff person. Documenting the circumstances and information that are the basis for a reasonable cause to suspect child abuse or maltreatment and the need to make a report of suspected child abuse or maltreatment to the NYS Central Register is an important responsibility. The FSS progress notes provide verification that you have fulfilled that duty as a mandated reporter. Continuing documentation in the FSS progress notes related to the contact with the investigator or other persons involved in the investigation of the report should focus on the content of the discussion and those actions that will be taken by you or your agency to protect the child and/or support the family in coordination with CPS and the recommended safety plan.

It is important for all staff to confer with supervisory or administrative staff when there are suspicions of abuse or maltreatment of a child, but recent modification to SSL 413, subdivision 1, now requires individuals to make the report themselves and protects them, as mandated reporters, from any retaliation within their respective agencies. Below are the sections of SSL 413 that have been modified. LDSS and VA/Prev Agencies should modify their own reporting policies and inform staff of the changes and their new responsibilities.

The law [Section 413, (1) (a) of the SSL] also establishes the requirement that “whenever such person is required to report under this title in his or her capacity as a member of the staff of a medical or other public or private institution, school, facility, or agency, he or she shall **make the report as required by this title** and immediately notify the person in charge of such institution, school, facility or agency, or his or her designated agent. **Such person in charge, or the designated agent of such person, shall be responsible for all subsequent administration necessitated by the report. Any report shall include the name, title, and contact information for every staff person of the institution who is believed to have direct knowledge of the allegations in the report. Nothing** in this

section or title is intended to require more than one report from any such institution, school or agency.

Section 413, (1) (b) of the SSL states: **"A medical or other public or private institution, school, facility, or agency shall not take any retaliatory personnel action, as such term is defined in paragraph (e) of subdivision one of section seven hundred forty of the labor law, against an employee because such employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee therefore makes a report in accordance with this title. No school, school official, child care provider, foster care provider, residential care facility provider, hospital, medical institution provider or mental health facility provider shall impose any conditions, including prior approval or prior notification, upon a member of their staff specifically required to report under this title."**

By a separate change to the statute, another version of Section 413, Subdivision 1 (b) of the SSL was added and reads as follows: **"Social Services workers are required to report or cause a report to be made in accordance with this title when they have reasonable cause to suspect that a child is an abused or maltreated child where a person comes before them in their professional or official capacity and states from personal knowledge facts, conditions, or circumstances which, if correct, would render the child an abused or maltreated child."**

Staff must be apprised of and knowledgeable of all applicable statutes and regulations on confidentiality, sharing information and the re-disclosure of confidential case information. Within a voluntary authorized agency or preventive services agency, the application of the principle of "need to know" when sharing or disclosing case information has been and continues to be the standard by which information is shared among all staff who are working with children and families served through CPS and other child welfare services. This is true for staff employed by either LDSS/ACS or voluntary authorized agencies and preventive services agencies.(see 18 NYCRR 357.5(g))

### **Roles and Responsibilities**

It is important to be cognizant and respectful of the different roles and responsibilities each person involved with the family has in the case. These roles do not change based upon the ability for VA/Prev staff to now access additional information regarding the child protective services investigation.

The comprehensive lists of tasks and duties of the CPS worker assigned to investigate reports of abuse and maltreatment are outlined in section 424 of the SSL and OCFS regulations 18 NYCRR Part 432. However, it is important to note some of the specific tasks that are the unique responsibility of the CPS worker in his or her efforts to protect the child(ren), complete a thorough investigation of any new CPS report, and determine if it is necessary to open or continue the family's case with a provision of services that includes the monitoring of identified safety and risk issues in the family. These tasks include:

- Subject/Other Person Named in the Report Notification of the existence of a report within 7 days of the receipt of a report of abuse or maltreatment from the Statewide Central Register of Child Abuse and Maltreatment.
- Initiation of the investigation within 24 hours of receipt of the report.
- Assessment of the immediate or impending danger of harm to the child(ren).
- Evaluation of the environment of a child(ren) named in the report and any other children in the same home.
- Assessment of safety of the child(ren) within 7 days of the receipt of the report.
- Determination of the risk to the child(ren) if they continue to remain in the same home.
- Determination of the nature, extent and cause of any condition, injury or circumstance related to the child(ren) or the home environment as noted in the report within 60 days.
- Determination of the initial risk of future abuse or maltreatment relative to this investigation and the need to open or continue a services case.
- Determination to indicate or unfound the report within 60 days of the receipt of the report.
- Taking a child(ren) into protective custody to protect him/her from further abuse or maltreatment.
- Conducting the forensic interviews with children, subjects and other persons named in the report to gather information in a form and manner necessary to make a determination, petition the Family Court, or collaborate with any criminal investigation related to the abuse or maltreatment.

LDSS/ACS foster care or preventive staff as well as voluntary authorized foster care and preventive services agency staff have unique roles and responsibilities that sometimes appear to be in conflict depending on the events in the case, the focus of your work with the family or the status of an investigation. These responsibilities include providing both support to the family and advocacy on behalf of the children and family, but also the development, coordination and implementation of the ongoing service plan, management and the oversight of ongoing safety plans for the child(ren) who remains at home or is placed in foster care. Both of these roles are essential to your ability to influence change in the family, and be the guide that supports the family's ability to plan for and secure the health, safety, permanency and well-being of their child(ren).

CPS, Preventive, Foster Care, and Adoption staff share many of the same responsibilities as well in assisting families to succeed in meeting the needs of their children. Each worker involved with a family has the ultimate mission of the preservation of families, whenever possible, and the protection of children, family members and the community. The ability for staff to be able to view all information relevant to the family they are serving provides significant benefits to all staff as well as directly benefiting the children and families.

Benefits of providing access to VA/Prev staff include, but are not limited to:



- Provision of a longitudinal and more comprehensive view of the families needs and potential for abuse or neglect of children that will assist in the therapeutic progress of child(ren) or other family members.
- Minimizing the child and the family's need to repeatedly explain traumatic or difficult past experiences.
- Verification of past histories that may conflict with information presented to the VA/Prev worker from the parent or child.
- Historical information that will assist in making a more appropriate placement of a child when first admitted to foster care, thus reducing the necessity for repeated moves for the child.
- Ability of VA/Prev staff to provide additional protection to the child(ren) after discussion with CPS, and in support of anticipated or current safety plan.
- Ability of VA/Prev staff to make better decisions regarding persons who may be involved in the child(ren)'s lives who may or may not be appropriate resources for the child and the family.
- Ability of VA/Prev staff, in conjunction with CPS, to determine appropriate, or modifications to, visitation plans for children in foster care.
- Development of more effective service plans that are based on a broader understanding of the child(ren) and family's history of abuse, maltreatment or trauma.
- Ability of VA/Prev staff to better support the family and assist in identifying community resources during the investigation period.
- Ability of VA/Prev staff to verify that prior abuse or maltreatment, disclosed by a family was already investigated and determined before the agency became involved with the family, may decrease the number of reports made to the SCR.
- Ability for both CPS and VA/Prev to discuss and to confirm information that was obtained independently by both parties that may support challenging the inconsistency of information obtained from parents or children.
- Ability for both VA/Prev and CPS staff to discuss more openly and honestly with children and parents issues relative to history of abuse or maltreatment.
- VA/Prev staff may have additional information related to allegations or other safety/risk issues in the family that expedites implementation of the appropriate safety plan and interventions.
- VA/Prev staff, upon viewing information in an open investigation, may have additional information or contacts related to the allegations that may be of assistance to the CPS worker in developing the initial safety plan or completing the investigation.

Access to the CPS investigation stage will provide both historical and current information relevant to the case. Based upon the point in time that the VA/Prev worker is accessing the CPS investigation stage, different information will be available. If the investigation stage has been recently created, the documentation available may be minimal, including only stage composition information and the allegations of abuse or maltreatment identified in the report to the SCR. VA/Prev staff will be able to view all allegations

immediately upon receipt of the appropriate “Alert” that will assist them in working closely with CPS staff to support the safety plan.

**Note of Caution:** VA/Prev staff should be aware that information documented in the “Under Investigation” CPS stage will reflect the specific statements or information presented by a child(ren), the parent(s), caretaker(s), subject(s), or other person(s) named in the report as well as collateral contacts that have been obtained during the investigation. At the completion of the investigation, based upon all information, statements, and evidence gathered during the course of the entire investigation, the CPS worker determines whether there is some credible evidence to support the allegations or not, and makes the determination that the report is “Indicated” or “Unfounded”. Until the determination is completed, information in the Investigation stage must be reviewed carefully and used judiciously.

For CPS investigations with a determination of “Indicated”, the investigation stage will include:

- Specific allegations that were investigated,
- The substantiation of the allegations,
- The safety assessments completed within 7 days of the receipt of the report and within 7 days of the determination,
- The risk assessment profile,
- The investigation conclusion,
- Fatality reports,
- Progress notes, except for the value of “Reporter/Source”, and
- Case disposition, which reflects whether the case was opened for service at the time of the determination.

## **V. Systems Implications**

With the new design and security being implemented, OCFS is now able to provide access to CPS information in CONNECTIONS on “Under Investigation” and “Indicated” Investigation stages to VA/Prev staff. To protect the identity of the reporter/source, support full viewing ability of historical and current CPS information by assigned VA/Prev staff, and concurrently provide CPS staff the ability to document appropriate contact with the source during the course of the investigation, OCFS has taken the following actions:

- The CPS Intake Stage will be viewable by LDSS/ACS staff only.
- Only LDSS/ACS staff assigned the specific business function, “View Reporter/Source” will be able to view the identity of the reporter/ source.
- Only persons with “View Unfounded” may see any CPS cases with an “Unfounded” determination.
- Only LDSS/ACS staff may be assigned the business function “View Unfounded”

- VA/Prev staff will be able to view the entire Child Protective Record Summary (CPRS) for “Under Investigation” or “Indicated” investigation stages, which includes information pertinent to each allegation, subject of the report, and child listed in the Intake report, but no narrative information from the Intake, which may reveal identifying information related to the reporter/source.
- VA/Prev staff will be able to view Safety Assessments, the Risk Assessment Profile, all related progress notes, Investigation Conclusions, and any other relevant information maintained in the CPRS, as well as any events related to fatalities in the investigation stage for “Under Investigation” and “Indicated” investigation stages.
- In the documents previously referenced, OCFS established clear guidelines, effective April 19, 2005, for the necessary documentation of all contact with reporter/source in Progress Notes by CPS staff.
- Development of security in CONNECTIONS that blocks all information documented in the **Progress Note data field, “Other Participant”, with a value of “Reporter/Source”** from viewing by a VA/Prev staff person.
- Prohibits the printing of any investigation stage prior to a determination of “Indicated” by VA/Prev staff.

### **How to Access the CPS Investigation Stage**

In order to access CPS investigation stages, VA/Prev staff with an assigned role in a case should follow the following procedure. This procedure is also available in the Job Aid and Help within the CONNECTIONS application.

Select the FSS stage from your workload  
Click Options, highlight Person List  
Highlight shared person  
Click Options, Case list  
Highlight case, click Summary button  
Highlight INV stage, click Events button  
Highlight Child Protective Record Summary, click Detail button  
Click desired tab

## **VI. Effective Date**

**This directive is effective immediately in support of the implementation of Build 18.9.3 in CONNECTIONS.**

/s/ Nancy W. Martinez

**Issued By:**

Name: Nancy W. Martinez

Title: Director

Division/Office: Office of Strategic Planning and Policy Development

### ***Persons Authorized to Receive CPS Information***

A voluntary authorized agency or a private preventive services agency may re-disclose CPS information received pursuant to section 422(4)(A)(o) of the SSL to those persons or agencies set forth in sections 422(4)(A)(a), (b), (c), (j), (k), (l), (m) and (q) of the SSL in order to facilitate an investigation conducted by such persons or agencies. Prior to the re-disclosure of any CPS information, OCFS recommends agency staff consult with the agency attorney.

Those sections of SSL 422(4)(A) identifying persons to whom an agency may re-disclose CPS information are as follows:

- (a) a physician who has before him or her a child whom he or she reasonably suspects may be abused or maltreated;
- (b) a person authorized to place a child in protective custody when such person has before him or her a child whom he or she reasonably suspects may be abused or maltreated and such person requires the information in the record to determine whether to place the child in protective custody;
- (c) a duly authorized agency having the responsibility for the care or supervision of a child who is reported to the statewide central register of abuse and maltreatment;
- (j) the state commission on quality of care for the mentally disabled in connection with an investigation being conducted by the commission pursuant to article forty-five of the mental hygiene law;
- (k) a probation service conducting an investigation pursuant to article three or seven or section six hundred fifty-three of the family court act where there is reason to suspect that the child or the child's sibling may have been abused or maltreated and such child or sibling, parent, guardian, or other person legally responsible for the child is a person named in an indicated report of child abuse or maltreatment and that such information is necessary for the making of a determination or recommendation to the court; or a probation service regarding a person about whom it is conducting an investigation pursuant to article three hundred ninety of the criminal procedure law, or a probation service or the state division of parole regarding a person to whom the service or division is providing supervision pursuant to article sixty of the penal law or section two hundred fifty-nine-a of the executive law, where the subject of the investigation or supervision has been convicted of a felony under article one hundred twenty, one hundred twenty-five or one hundred thirty-five of the penal law or any felony or misdemeanor under article one hundred thirty, two hundred thirty-five, two hundred forty-five, two hundred sixty or two hundred sixty-three of the penal law, or has been indicted for any such felony and, as a result, has been convicted of a crime under the penal law, where the service or division requests the information up on a certification that such information is necessary to conduct its investigation, that there is reasonable cause to believe that such records are necessary to the investigation by the probation service or the state division of parole, provided, however, that only indicated reports shall be furnished pursuant to this subdivision;
- (l) a district attorney, an assistant district attorney or investigator employed in the office of a district attorney, a sworn officer of the division of state police, of the regional state park police, of a city police department, or of a county, town or village police department or county sheriff's office or department when such

***Persons Authorized to Receive CPS Information***

- official requests such information stating that such information is necessary to conduct a criminal investigation or criminal prosecution of a person, that there is reasonable cause to believe that such person is the subject of a report, and that it is reasonable to believe that due to the nature of the crime under investigation or prosecution such records may be related to the criminal investigation or prosecution;
- (m) the New York city department of investigation provided however, that no information identifying the subjects of the report or other persons named in the report shall be made available to the department of investigation unless such information is essential to an investigation within the legal authority of the department of investigation and the office of children and family services gives prior approval;
  - (q) a criminal justice agency conducting an investigation of a missing child where there is reason to suspect such child or such child's sibling, parent, guardian or other person legally responsible for such child is a person named in an indicated report of child abuse or maltreatment and that such information is needed to further such investigation;