



David A. Paterson  
*Governor*

NEW YORK STATE  
OFFICE OF CHILDREN & FAMILY SERVICES  
52 WASHINGTON STREET  
RENSSELAER, NY 12144

Gladys Carrión, Esq.  
*Commissioner*

## Local Commissioners Memorandum

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| <b>Transmittal:</b>                 | 08-OCFS-LCM-02  |
| <b>To:</b>                          | Local District Commissioners  |
| <b>Issuing Division/Office:</b>     | Strategic Planning and Policy Development   |
| <b>Date:</b>                        | March 27, 2008  |
| <b>Subject:</b>                     | <b>Family Assessment Response Application/Plan</b>  |
| <b>Contact Person(s):</b>           | Sheila Poole, Associate Commissioner, Child Welfare and Community Services Regional Operations (518) 474-9465<br>Jamie Greenberg, Director, Policy Analysis, (518) 473-1327 |
| <b>Attachments:</b>                 | Attachment A: Family Assessment Response Application<br>Attachment B: Chapter 452 of the Laws of 2007   |
| <b>Attachment Available Online:</b> | Yes   |

### I. Purpose

The purpose of this Local Commissioners Memorandum is to provide an application (Attachment A) for those local social services districts (LDSSs) wishing to implement a family assessment response (sometimes referred to as differential or alternative response) approach for some of the families reported to the Statewide Central Register of Child Abuse and Maltreatment (SCR).

### II. Background

Chapter 452 of the Laws of 2007 (Attachment B) authorized LDSSs, other than in New York City, to apply to the New York State Office of Children and Family Services (OCFS) to use a family assessment and services approach for

a subset of families that are reported to the SCR for child maltreatment. The family assessment approach requires an initial assessment of child safety. If a child is assessed as unsafe, the report may not be handled using a family assessment response. For families that are reported to the SCR where a family assessment response is used, no determination of the SCR report is made. OCFS believes, as do other states that use a family assessment approach, that it is easier to engage families since the approach is likely to be viewed as less threatening by the family; it allows the family to have a larger role in determining what services will benefit their children; and the LDSS is more likely to be viewed by the family as a helping entity in the future should issues arise that create risk to children.

Shortly after Chapter 452 was enacted, OCFS invited all interested LDSSs to participate in a conference call in which the law's provisions were summarized and questions were solicited and answered (based on information that was known at the time). Subsequent to that conference call, LDSSs were invited to self-select to work with OCFS to help develop the program and IT systems parameters/requirements. Six LDSSs expressed interest, without making a commitment to applying to use the approach, and have helped OCFS develop and move toward operationalizing a family assessment response program. The law does allow an LDSS that is authorized to use a family assessment response considerable flexibility to develop an approach that best matches its county service resources, its staffing, and how many families with which the approach will be used.

### **III. Program Implications**

It is anticipated that there will be (limited) Information Technology (IT) support for Family Assessment Response by November 1, 2008. As a result, that date is considered the first time that an LDSS could begin using the approach. There are many pre-implementation activities that will need to be attended to including, but not limited to, staff training, community preparedness, and service development/refinement/targeting. OCFS is fully committed to supporting LDSSs that choose to implement a Family Assessment Response approach, within the bounds of our resources.

LDSSs interested in beginning in 2008 must submit an application to OCFS by May 15. OCFS will entertain applications from LDSSs that want to begin later than 2008. The provisions of Chapter 452 expire June 1, 2111; however, we are optimistic that the law will be extended or made permanent if the program is assessed to be positive and producing good outcomes.

*/s/ Nancy W. Martinez*

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**Issued By:**

Name: Nancy W. Martinez

Title: Director

Division/Office: Strategic Planning and Policy Development

## Attachment A

**Family Assessment Response Application**

Any social services district wishing to implement a Child Protective Services (CPS) differential response (which OCFS shall refer to as family assessment response) program must apply to OCFS to participate by submitting a plan for implementation. Any plan approved will be posted on OCFS' website within 60 days of such approval, as required by Chapter 452 of the Laws of 2007. The plan must address all the criteria listed below:

a) The factors to be considered by the social services district in determining which reports will be addressed through the family assessment and services track and the size of the population to be the subject of the differential response program;

- Please address:
  - the criteria by which you will assign reports to the family assessment and services track;
  - the anticipated percentage of reports that you are projecting will be handled through the family assessment and services track in the first 12 months of implementation..
  - the particular units and/or workers who will be involved, if it is not initially to be done county-wide
  - any phase-in or rollout plans

b) The assessment process regarding child safety and risk as well as the types of services and interventions to be provided to families included in the family assessment and services track and a description of how the services will be offered;

- Please describe:
  - the assessment process that you will use to assess child safety, risk to children and family strengths and needs.
  - the plan for linking families with those goods and services that address their identified needs, including what services will be provided by county CPS or preventive services staff, what services will be provided by community service providers, and what relationship the county will have with TANF staff in assessing needs and providing services. How, if at all, will family assessment and services interact with other local models of service access including such things as SPOA, CCSI, etc.

c) A description of the process to be followed for planning and monitoring the services provided under the family assessment and services track;

- Please include how the assessments and services provided directly by LDSS as well as those provided by agencies under contract with LDSS and those provided by other community agencies will be developed and monitored for quality and adherence to negotiated principles and expectations.

d) A description of how the principles of family involvement and support consistent with maintaining the safety of the child(ren) will be implemented in the family assessment and services track;

- Please describe:
  - your County's core practice principles upon which the family assessment response is designed.
  - the approach you will take, and the strategy behind such an approach, to more actively engage and empower families in (i) assessment of their strengths, (ii) assessing their needs, and (iii) in decision-making, while at the same time reassessing child safety, as need be.

e) A description of how the differential response program will enhance the ability of the district to protect children, maintain the safety of children and preserve families;

f) A description of how the district will reduce the involvement of government agencies with families and maintain the safety of children through the use of community resources;

- Please describe:
  - how the district will engage the family without increasing the involvement of government agencies without compromising safety of children
  - how traditional service providers, the family's support network, and other community resources will provide assistance to families whose reports/cases will be handled by a differential response program.

g) A description of the staff resources proposed to be used in the family assessment and services track, including the proposed staff workloads and qualifications;

- Please include:
  - how you plan to assign or recruit DSS staff to respond to a CPS report through the family assessment response track
  - whether staff will be involved in both the family assessment response track and the traditional CPS investigations
  - an indication of the use of any and all specialized staff/resources that will impact on the implementation of FAM
- h) A description of the training that will be provided to district staff regarding the family assessment response program. Additionally, please include a description of training to be provided to any non-district staff to be used in the differential response program. Both descriptions should include, but not be limited to, a description of the training involving maintaining the safety and well-being of children and any cross training planned for family assessment and investigative staff;
- i) A description of the community resources that are proposed to be used in the family assessment and services track;
- j) A description of any additional funding (beyond the regular child welfare finance mechanisms) that may be utilized to enhance the differential response program;
- k) A description of the protocol to be followed for handling cases in the family assessment services track when domestic violence is suspected or confirmed. The protocol must address the need to maintain the safety of the child(ren);
  - If you plan to collaborate with your local domestic violence service provider concerning any aspects of your family assessment and services track, please describe such collaboration.
- l) A description of your plan to involve community agencies, schools, Family Court, other key stakeholders in your county or catchment area, and the community as a whole in planning for and implementing a family assessment response;
- m) Please indicate your projected timeline for implementation.

## Attachment B

**Chapter 452 of the Laws of 2007**

1 Section 1. Section 422 of the social services law is amended  
by adding

2 a new subdivision 5-a to read as follows:

3 5-a. Upon notification from a local social services  
district, that a

4 report is part of the family assessment and services track  
pursuant to

5 subparagraph (i) of paragraph (c) of subdivision four of  
section four

6 hundred twenty-seven-a of this title, the central register  
shall forth-

7 with identify the report as an assessment track case and  
legally seal

8 such report.

9 § 2. The social services law is amended by adding a new  
section 427-a

10 to read as follows:

11 § 427-a. Differential response programs for child  
protection assess-

12 ments or investigations. 1. Any social services district  
located outside

13 of a city with a population of more than two million may,  
upon the

14 authorization of the office of children and family services,  
establish a

15 program that implements differential responses to reports of  
child abuse

16 and maltreatment. Such programs would create a family  
assessment and

EXPLANATION--Matter in italics (underscored) is new; matter in  
brackets

[ - ] is old law to be omitted.

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1 services track as an alternative means of addressing certain  
2 matters  
3 currently investigated as allegations of child abuse or  
4 maltreatment  
5 pursuant to this title. Notwithstanding any other provision of  
6 law to  
7 the contrary, the provisions of this section will apply only  
8 to those  
9 cases involving allegations of abuse or maltreatment in family  
10 settings  
11 expressly included in the family assessment and services  
12 track of the  
13 differential response program, and only in those social  
14 services  
15 districts authorized by the office of children and family  
16 services to  
17 implement a differential response program. Such cases shall  
18 not be  
19 subject to the requirements otherwise applicable to cases  
20 reported to  
21 the statewide central register of child abuse and maltreatment  
22 pursuant  
23 to this title, except as set forth in this section.  
24 2. Any social services district interested in implementing a  
25 differen-  
26 tial response program shall apply to the office of children  
27 and family  
28 services for permission to participate. The criteria for  
29 a social  
30 services district to participate will be determined by the  
31 office of  
32 children and family services after consultation with the office  
33 for the  
34 prevention of domestic violence, however the social services  
35 district's  
36 application must include a plan setting forth the following:  
37 (a) in conjunction with any additional requirements imposed  
38 by the  
39 office of children and family services and the provisions of  
40 this subdi-  
41 vision, the factors to be considered by the social services  
42 district in  
43 determining which cases will be addressed through the family  
44 assessment  
45 and services track and the size of the population to be the  
46 subject of  
47 the differential response program;  
48 (b) the types of services and interventions to be provided to  
49 families  
50 included in the family assessment and services track and a  
51 description  
52 of how the services will be offered;  
53 (c) a description of the process to be followed for planning  
54 and moni-



30 toring the services provided under the family assessment and  
31 services  
32 track;  
33 (d) a description of how the principles of family  
34 involvement and  
35 support consistent with maintaining the safety of the  
36 child will be  
37 implemented in the family assessment and services track;  
38 (e) a description of how the differential response  
39 program will  
40 enhance the ability of the district to protect children,  
41 maintain the  
42 safety of children and preserve families;  
43 (f) a description of how the district will reduce the  
44 involvement of  
45 government agencies with families and maintain the safety of  
46 children  
47 through the use of community resources;  
48 (g) a description of the staff resources proposed to be used  
49 in the  
50 family assessment and services track, including the proposed  
51 staff work-  
52 loads and qualifications;  
53 (h) a description of the training that will be provided to  
54 district  
55 and any non-district staff to be used in the differential  
56 response  
57 program including, but not limited to, a description of the  
58 training  
59 involving maintaining the safety and well-being of children  
60 and any  
61 cross training planned for family assessment and investigative  
62 staff;  
63 (i) a description of the community resources that are  
64 proposed to be  
65 used in the family assessment and services track;  
66 (j) a description of any additional funding that may be  
67 utilized to  
68 enhance the differential response program; and  
69 (k) a description of the protocol to be followed for  
70 handling cases  
71 where domestic violence is present in order to maintain the  
72 safety of  
73 the child through the family assessment and services track.

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1     3. The criteria for determining which cases may be  
2 placed in the  
3 assessment track shall be determined by the local department  
4 of social  
5 services, in conjunction with the office of children and family  
6 services  
7 and after consultation with the office for the prevention of  
8 domestic  
9 violence. Provided, however, that reports including any of the  
10 following  
11 allegations shall not be included in the assessment track of a  
12 differen-  
13 tial response program:  
14     (a) reports alleging that the subject committed or  
15 allowed to be  
16 committed an offense defined in article one hundred thirty of  
17 the penal  
18 law;  
19     (b) reports alleging that the subject allowed, permitted or  
20 encouraged  
21 a child to engage in any act described in sections 230.25,  
22 230.30 and  
23 230.32 of the penal law;  
24     (c) reports alleging that the subject committed any of  
25 the acts  
26 described in section 255.25, 255.26 or 255.27 of the penal law;  
27     (d) reports alleging that the subject allowed a child to  
28 engage in  
29 acts or conduct described in article two hundred sixty-three  
30 of the  
31 penal law;  
32     (e) reports alleging that the subject committed assault in  
33 the first,  
34 second or third degree against a child;  
35     (f) reports alleging that the subject committed or attempted  
36 to commit  
37 murder or manslaughter in the first or second degree;  
38     (g) reports alleging that the subject abandoned a child  
39 pursuant to  
40 subdivision five of section three hundred eighty-four-b of this  
41 article;  
42     (h) reports alleging that the subject has subjected a child  
43 to severe  
44 or repeated abuse as those terms are defined in paragraphs (a)  
45 and (b)  
46 of subdivision eight of section three hundred eighty-four-  
47 b of this  
48 article; and  
49     (i) reports alleging that the subject has neglected a child  
50 so as to  
51 substantially endanger the child's physical or mental health,  
52 including  
53 a growth delay, which may be referred to as failure to thrive,  
54 that has  
55 been diagnosed by a physician and is due to parental neglect.

33 4. The following procedures shall be followed for all cases  
 34 included  
 35 in the family assessment and services track:  
 36 (a) Reports taken at the statewide central register of child  
 37 abuse and  
 38 maltreatment shall be transmitted to the appropriate local  
 39 child protec-  
 40 tive service.  
 41 (b) A social services district permitted by the office of  
 42 children and  
 43 family services to participate in the implementation of a  
 44 differential  
 45 response program shall, consistent with the criteria developed  
 46 pursuant  
 47 to subdivision three of this section, identify those reports  
 48 which are  
 49 initially eligible to be included in the family assessment and  
 50 services  
 51 track.  
 52 (c) For those reports which are included in the family  
 53 assessment and  
 54 services track, the social services district shall not be  
 55 subject to the  
 56 requirements of this title concerning initial investigation  
of reports  
of suspected abuse and maltreatment of children, including  
notification  
requirements. For reports assigned to the family assessment and  
services  
track, the social services district shall be responsible for  
ensuring  
that the children are safe in their homes. Such safety check  
shall be  
commenced within twenty-four hours of receipt of the  
report and  
completed within seven days. Based on the initial safety  
check, the  
district shall determine if the report shall continue under  
the family  
assessment and services track. This safety check must be  
documented in  
the manner specified by the office of children and family  
services.  
Should the children be found to be safe in the home, the social  
services

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1 district shall then identify service needs and family issues,  
 2 if any,  
 3 that should be addressed.  
 4 (i) Where the social services district determines,  
 5 based on the  
 6 initial safety check, that the report is appropriate to be  
 7 included in  
 8 the family assessment and services track, the social services  
 9 district

6 shall document the reason for that determination in the  
7 initial safety  
8 check and inform the statewide central register of child  
9 abuse and  
10 maltreatment that the report is part of the family  
11 assessment and  
12 services track and request that the records of the  
13 statewide central  
14 register of child abuse and maltreatment of such report be  
15 classified as  
16 an assessment track case and be legally sealed in accordance  
17 with the  
18 provisions of paragraph (a) of subdivision five of section  
19 four hundred  
20 twenty-two of this title. Such sealed reports shall be  
21 maintained at the  
22 statewide central register of child abuse and maltreatment for  
23 ten years  
24 after the report was made.  
25 (ii) Where the social services district determines, based  
26 on the  
27 initial safety check, to investigate the report as a report of  
28 suspected  
29 child abuse or maltreatment, the social services district shall  
30 document  
31 the reason for that decision in the initial safety check.  
32 Where the  
33 social services district makes the determination to  
34 investigate the  
35 report, all of the requirements of this title concerning  
36 investigations  
37 of reports of suspected child abuse and maltreatment  
38 shall apply,  
39 including the notification requirements. The report shall no  
40 longer be  
41 eligible to be included in the family assessment and services  
42 track.  
43 (d) Where the social services district has determined that a  
44 case is  
45 appropriate to be included in the family assessment and  
46 services track,  
47 the district's activities shall include, at a minimum, the  
48 following:  
49 (i) the provision of written notice to each parent, guardian  
50 or other  
51 person legally responsible for the child or children  
52 participating in  
53 the family assessment and services track explaining that it  
54 is the  
55 intent of the social services district to meet the needs of  
56 the family  
57 without engaging in a traditional child protective services  
58 investi-  
59 gation. The notice shall also explain that the workers  
60 assisting the  
61 family in the family assessment and services track are  
62 mandated repor-

35 ters who are required to report suspected child abuse or  
36 maltreatment  
37 and that those workers are required to report new information  
38 that they  
39 receive in their work with the family if that information  
40 gives them  
41 reasonable cause to suspect that a child in the family is an  
42 abused or  
43 maltreated child;  
44 (ii) an examination, with the family, of the family's  
45 strengths,  
46 concerns and needs;  
47 (iii) where appropriate, an offer of assistance which shall  
48 include  
49 case management that is supportive of family stabilization;  
50 (iv) the planning and provision of services responsive to  
51 the service  
52 needs of the family; and  
53 (v) an on-going joint evaluation and assessment of the  
54 family's  
55 progress including ongoing, periodic assessments of risk to the  
56 child.  
57 (e) After the social services district has received a  
58 report of  
59 suspected maltreatment and determined that the report is  
60 initially  
61 eligible to be included in the family assessment and  
62 services track,  
63 pursuant to paragraph (b) of this subdivision, the activities  
64 described  
65 in paragraphs (c) and (d) of this subdivision may be  
66 performed by the  
67 social services district directly or through any other method  
68 currently  
69 utilized by social services districts to obtain preventive  
70 services for  
71 children and families. If a community-based agency determines,  
72 pursuant  
73 to subparagraph (ii) of paragraph (c) of this subdivision, that  
74 a report

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1 must be investigated as a case of suspected child abuse or  
2 maltreatment,  
3 the community-based agency shall so inform the social services  
4 district,  
5 which shall then become responsible for conducting the child  
6 protective  
7 services investigation in accordance with the  
8 requirements of this  
9 title.  
10 (f) A report selected for inclusion in the demonstration  
11 project shall  
12 cease to be eligible for inclusion in the demonstration  
13 project if at  
14 any time in the course of providing services the district or  
15 community-

9 based agency finds that:  
10 (i) there is evidence of child abuse, including sexual abuse;  
or  
11 (ii) the parent or parents refuse to cooperate with the  
district or  
12 community-based agency in developing or implementing a plan  
to address  
13 the family problems or issues and there is evidence of  
maltreatment of a  
14 child.  
15 (g) Where the district finds or is advised by a community-  
based agen-  
16 cy, subsequent to the completion of the initial safety  
assessment and  
17 after the report is legally sealed, that the report is no  
longer eligi-  
18 ble for inclusion in the demonstration project pursuant to  
paragraph (f)  
19 of this subdivision, the district shall contact the  
statewide central  
20 register of child abuse and maltreatment and make a new  
report of  
21 suspected child abuse or maltreatment pursuant to section  
four hundred  
22 thirteen of this title.  
23 (h) Where a report has been included in the family  
assessment and  
24 services track and a subsequent report involving the family  
is made to  
25 the statewide central register of child abuse and maltreatment,  
and such  
26 subsequent report is not eligible for inclusion in the family  
assessment  
27 and services track, the local child protective services, in  
conducting  
28 its investigation, shall work cooperatively with any district  
or commu-  
29 nity-based agency staff that are already working with the  
family to  
30 minimize to the extent practicable the chance that existing  
services  
31 being provided to the family will be disrupted and to maximize  
to the  
32 extent practicable the coordination of the existing  
services being  
33 provided to the family with any new services to be provided to  
the fami-  
34 ly.  
35 5. (a) Cases included in the family assessment and  
services track  
36 shall not be subject to the requirements of section four  
hundred nine-e  
37 or four hundred nine-f of this article.  
38 (b) All records created as part of the family assessment and  
services  
39 track shall include, but not be limited to, documentation of  
the initial

40 safety check, the examination of the family's strengths,  
41 concerns and  
42 needs, all services offered and accepted by the family, the  
43 plan for  
44 supportive services for the family, all evaluations and  
45 assessments of  
46 the family's progress, and all periodic risk assessments.  
47 (c) Records created under the family assessment and  
48 services track  
49 shall be maintained for ten years after the report initiating  
50 the case  
51 at the statewide central register was made.  
52 (d) All records created as part of the family assessment and  
53 services  
54 track shall be confidential and shall be made available only to  
55 staff of  
56 the office of children and family services and persons  
57 designated by the  
58 office of children and family services; the social services  
59 district  
60 responsible for the case; community-based agencies that have  
61 contracts  
62 with the social services district to carry out  
63 activities for the  
64 district under the family assessment and services track; and  
65 providers  
66 of services under the family assessment and services  
67 track; and any  
68 social services district investigating a subsequent report of  
69 abuse or

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1 maltreatment involving the same subject or the same child or  
2 children  
3 named in the report.  
4 6. Expenditures by a social services district pursuant to  
5 this section  
6 shall be reimbursable from the annual appropriations  
7 available for  
8 social services district expenditures for child welfare  
9 services which  
10 shall include, but not be limited to, preventive services  
11 provided  
12 pursuant to section four hundred nine-a of this article, child  
13 protec-  
14 tive services, independent living services and any other  
15 appropriation  
16 made specifically to support these differential response  
17 programs.  
18 Nothing shall preclude a social services district from  
19 seeking private  
20 funds for support of their differential response programs.  
21 7. The office of children and family services shall post  
22 the plan  
23 contained in any application approved for implementation of a  
24 differen-  
25 tial response program on the office of children and family  
26 services  
27 website within sixty days of such approval.  
28 8. The office of children and family services shall complete  
29 a report  
30 evaluating the implementation of any differential response  
31 programs  
32 established pursuant to this section. The report shall assess  
33 the effec-  
34 tiveness of the programs in promoting broader community  
35 involvement in  
36 meeting service needs, expanding and expediting access to  
37 appropriate  
38 services, improving the cooperation of families, reducing  
39 subsequent  
40 abuse and maltreatment reports, and promoting child safety.  
41 Such report  
42 shall also recommend whether or not to continue the  
43 provisions of this  
44 section and shall be submitted to the governor and the  
45 legislature no  
46 later than the first day of January, two thousand eleven.  
47 § 3. This act shall take effect immediately and shall  
48 expire June 1,  
49 2011 when upon such date the provisions of this act shall  
50 be deemed  
51 repealed.

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