



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

Transmittal:	10-OCFS-LCM-09
To:	Local District Commissioners
Issuing Division/Office:	Division of Child Welfare and Community Services, Regional Operations and Practice Improvement
Date:	August 9, 2010
Subject:	Multidisciplinary Teams and Child Abuse Investigations
Contact Person:	See Page 3
Attachments:	No
Attachment Available Online:	N/A

I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to update and remind local departments of social services (LDSS) of the operational standards of multidisciplinary investigative teams (MDT), established and operated in accordance with section 423(6) of the Social Services Law (SSL). Section 423(6) of the SSL was amended by Chapter 574 of the Laws of 2008. The modifications enacted by Chapter 574 took effect on March 24, 2009, and pertain to (1) clarification of the types of cases that should be emphasized by an MDT in determining which cases to investigate, (2) expansion of the possible roles of the MDT, and (3) required membership on such teams. Section 642-a of the Executive Law, *Fair treatment of child victims as witnesses*, was also amended to update statutory references to correspond to the changes made to the SSL by Chapter 574.

The use of an MDT promotes a more comprehensive investigative approach, reduces the risk of additional trauma to the child(ren), and facilitates the collection of evidence that might be necessary for Family Court and/or for criminal prosecution, if determined to be warranted.

This memo also provides updated information to 06-OCFS-ADM-08, which was issued on December 12, 2006.

II. Background

Prior to Chapter 574 of the Laws of 2008, the only required members of an MDT were Child Protective Services (CPS) and law enforcement staff or the district attorney's office. As a result of Chapter 574, section 423(6) of the SSL now provides that members of an MDT must include, but are not limited to: CPS; law enforcement; the district attorney's office; a physician or medical provider trained in forensic pediatrics; mental health professionals; victim advocacy personnel; and, if one exists, a child advocacy center. Pursuant to Chapter 574 of the Laws of 2008, an MDT must also provide, where applicable, victim advocacy, emotional support, and access to medical and mental health care services. There was no such requirement prior to Chapter 574.

The new section 423(6) of the SSL provides that the emphasis of an MDT shall be placed on cases involving the abuse of a child, sexual abuse of a child, or the death of a child. The definition of an abused child is set forth in paragraphs (i), (ii), and (iii) of subdivision (e) of section 1012 of the Family Court Act (FCA). The new MDT statutory language includes the complete definition of "abused child" as set forth in the FCA, so that an MDT shall now emphasize the investigation of all physical and sexual abuse cases as well as all child fatality cases.

Research has shown that the most effective way for a child victim to receive necessary treatment, hold offenders accountable, and support a child's recovery and healing process is through an MDT approach. In order to provide the best intervention and services to child victims and child witnesses, it is important that all of the agencies involved with a child victim know what actions are being taken. The goals are to keep the child from suffering additional trauma by duplicative interviews, and to provide sufficient follow-up of necessary services, and to communicate to the family on progress with the case.

III. Program Implications

The statutory language in Section 423(6) of the SSL concerning the types of cases to be emphasized by an MDT is superseded by the requirements of Section 424(5-a) of the SSL, which addresses the categories of cases that must be investigated by an approved MDT. Those categories include cases that involve abuse as defined in paragraph (i) of subdivision (e) of section 1012 of the FCA; all sex abuse cases (paragraph (iii) of subdivision (e) of section 1012 of the FCA); and all cases that involve the death of a child. The category of cases that Section 423(6) of the SSL says should be emphasized by an MDT, but which are not specifically required to be investigated by an MDT under Section 424(5-a) of the SSL, refers to cases involving allegations of abuse of a child under paragraph (ii) of subdivision (e) of section 1012 of the FCA. That statute addresses situations where the allegation of abuse is based on the creation of substantial risk of physical injury to a child that would be likely to cause death, serious or protracted disfigurement, protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ. (The distinction between cases falling under paragraph (i) and paragraph (ii) of subdivision (e) of section 1012 of the FCA is that cases falling under paragraph (i) involve the actual infliction or allowing the actual

infliction of death or the types of injuries described above, whereas paragraph (ii) involves the creation of substantial risk of death or the types of injuries described above.)

While not statutorily required, OCFS would expect that MDTs would be involved in the investigation of abuse cases that fall within paragraph (ii) of subdivision (e) of section 1012 to the maximum extent that is feasible. Also, OCFS requires that MDTs and/or Child Advocacy Center Programs funded by OCFS be involved in the investigation of abuse cases that fall within paragraph (ii) of subdivision (e) of section 1012.

Section 642-a (1) of the Executive Law dealing with the fair treatment of child victims as witnesses requires that an MDT be used, whenever practicable and where one exists, for the investigation and prosecution of cases involving the physical or sexual abuse of a child or the death of a child. This provision is intended to foster a feeling of trust and confidence in a child victim when dealing with the physical and emotional trauma and stress of abuse.

IV. Contact Persons

Questions regarding this LCM may be directed to:

BRO – Mary Miller (716) 847-3145

User ID: Mary.Miller@ocfs.state.ny.us

RRO – Karen Buck, Acting Director (585) 238-8201

User ID: Karen.Buck@ocfs.state.ny.us

SRO - Jack Klump (315) 423-1200

User ID: Jack.Klump@ocfs.state.ny.us

ARO – Kerri Barber (518) 486-7078

User ID: Kerri.Barber@ocfs.state.ny.us

YRO - Pat Sheehy (914) 377-2080

User ID: Patricia.Sheehy@ocfs.state.ny.us

NYCRO – Patricia Beresford (212) 383-4718

User ID: Patricia.Beresford@ocfs.state.ny.us

The New York State Child Advocacy Resource and Consultation Center or CARCC (www.nyscarcc.org) may also be contacted toll free at 866-313-3013 for technical assistance, resource information, and/or training opportunities.

/s/ Laura M. Velez

Issued By:

Name: Laura M. Velez

Title: Deputy Commissioner

Division of Child Welfare and Community Services