

City of New York
Administration for Children's Services

Procedure # 2009/01

SUBJECT: OCFS Requirements for Reporting the Death of Children in an Open Foster Care, Preventive or Protective Services Case When Abuse/Neglect Is Not Immediately Suspected as the Cause of Death

APPROVED: John B. Mattingly, Commissioner 

DATE: August 14, 2009

Page 1 of 5 (3 attachments)

IMPLEMENTATION RESPONSIBILITY:
Children's Services Division of Child
Protection, Family Permanency Services, Family
Support Services, Foster Care and Preventive
Service Provider Agency Staff

PURPOSE: This policy clarifies Children's Services and provider agencies' responsibility to report to the New York State Office of Children and Family Services any death of a child in an open foster care case, an open preventive services case that was referred for services as a result of an indicated protective investigation, or an open protective services case, even if abuse or neglect is not suspected as the cause of death of a child.

SCOPE: This procedure applies to staff in the Division of Child Protection (DCP), Family Permanency Services (FPS), Family Support Services (FSS) and to foster care and preventive staff.

This policy is in effect immediately for all cases involving the death of a child in an open foster care case, an open preventive services case that was referred for service as a result of an indicated protective investigation, and an open protective services case—even when abuse or neglect is not immediately suspected as the cause of death for the child. This procedure is effective immediately and builds on policy guidance provided in the Children's Services memorandum: Notification Procedures in Cases Involving Fatalities and Serious Injuries, dated November 28, 2007.

NOTE: This document replaces all previous versions of this policy and procedure.

POLICY:

I. Requirements for Reporting to OCFS

A. Phone and fax notification to OCFS:

1. Provider agency staff and Children's Services Child Protective staff are required to notify OCFS by phone within 24 hours of learning of the death of a child where abuse/neglect is not immediately suspected as the cause of death.
2. Provider agency staff and Children's Services Child Protective staff are required to complete and fax the OCFS form, Agency Reporting Form for Serious Injuries, Accidents, or Deaths of Children in Foster Care and Deaths of Children in Open Child Protective or Preventive Cases (attached) within 72 hours of learning of the death of a child. The form has been created to notify OCFS of cases where abuse or neglect is not immediately suspected as the cause of the death. The form asks for details describing the circumstances and cause of the child's death. For preventive cases, this form is only to be used when the case was referred to the preventive agency because of an indicated protective case.

If there is no cause to suspect that a death resulted from abuse or neglect, a call to the state SCR is neither required nor appropriate. Whenever abuse or neglect is suspected, provider agency and/or Children's Services staff must make a report to the state SCR.

II. Requirements for Reporting to Children's Services

In addition to completing the OCFS reporting requirements upon learning of the death of a child in an open foster care, preventive or protective case even if abuse or maltreatment is not immediately suspected as the cause of death, the case planner is to notify Children's Services offices as specified below:

- If case planning is with DCP, the CPS worker must immediately notify the Borough Commissioner of the borough where the case is active, via phone, fax and e-mail (see procedure section). The Borough Commissioner will notify OCFS and the Children's Services Accountability Review Panel (ARP).
- If case planning is with the foster care agency, the Foster Care Agency Program/Executive Director must notify the Children's Services Shared Response Team (SRT) within the Division of Family Permanency Services (FPS) via phone and fax (see procedure section). The SRT will

immediately notify the Accountability Review Panel (ARP)¹, and the SRT will complete all internal reports.

- If case planning is with a preventive services agency, the preventive services agency must notify Children's Services Family Support Services (FSS) via phone, and fax (see procedure section) and complete the FSS Three Hour Report, and the FSS Twenty-Four Hour Report (attached). FSS will immediately notify the ARP.

NOTE: In the event that a child receiving preventive or foster care services dies, the provider agency shall immediately upon the death of the child, secure the case record in the office of the Executive Director or his/her designee and make the record available upon ACS's request.

In the event that a child receiving protective services dies, see procedure Securing Records in High Profile Cases, December 18, 2008 for information on how to secure the case record.

PROCEDURE:

The following section gives specific instructions pertaining to the OCFS and Children's Services reporting requirements for DCP, FSS and FPS when there is a death in an open case when abuse or maltreatment is not suspected as the cause of the death of the child.

I. If case planning is with DCP, the CPS worker must:

- A. Immediately phone the Borough Commissioner for the borough where the case is active, by phone, fax and e-mail:
- Bronx: Bertina Capuano 718-933-1212 (p)
 - Brooklyn: Marsha Kellam (Acting) 718-623-4975 (p)
 - Manhattan: Raphael Ortiz Jr. 212-676-7055 or 212-289-2780 (p)
 - Queens: Lori Levine 718-557-1745 (p)
 - Staten Island: Bonnie Lowell 718-720-2833 (p)

NOTE: Fax numbers for Borough Commissioners can be obtained from the Child Protective Manager for your Child Protective Unit. E-mail addresses for the Borough Commissioners are located in the Children's Services e-mail directory.

B. Ensure all documentation requirements, i.e., progress notes, and the Family

¹ The Accountability Review Panel (ARP), is an independent oversight group comprising of 12 consultants as well as staff from ACS, Mayor's Office of Operations, NYC Family Courts, Office of the NYC Chief Medical Examiner, NYC Department of Education, and NYC Health and Hospitals Corporation.

Assessment Service Plan (FASP), are up-to-date according to current CONNECTIONS (CNNX) procedures

- C. Fax any supporting documentation, to the Borough Commissioner who will then forward the reports to ARP and OCFS.

NOTE: The Borough Commissioner will immediately notify the ARP and OCFS within the 24 and 72 hour timeframes specified in the policy section.

II. If case planning is with the foster care agency, the agency program/executive director must:

- A. Immediately phone Children's Services Shared Response Team (SRT), at 212-676-6630

- B. Within 24 hours phone OCFS at 212-383-1788

- C. Within 72 hours fax the OCFS Reporting form to:

1. OCFS, at 212-383-1701
2. the SRT at 212-676-9932

- D. Submit a report, utilizing information in the CNNX case record, to the SRT as soon as possible, by fax at 212-676-9932, or by email to: Jackie.Roth@dfa.state.ny.us or to Steven.Bieber@dfa.state.ny.us, that includes the following information about the child:

1. Current family composition
2. Demographics
3. Provider agency staff (names and contact numbers for: Case Planner, Supervisor, Program Director, and Executive Director)
4. Current allegation(s)
5. Detailed summary of the current case circumstances
6. Safety and risk assessment, including family members and children's whereabouts
7. Previous history:
 - i. Including any prior indicated, unfounded or open reports
 - ii. Prior injuries to the child
 - iii. Contact with the parent/caretaker, and children, and names and actions of provider agency
8. Status updates

- E. Ensure all documentation requirements, i.e., progress notes, and FASP's, are up-to-date according to current CNNX procedures

- F. Fax any supporting documentation to OCFS at 212-383-1701

NOTE: The SRT will immediately notify the ARP and will complete all internal reports.

III. If case planning is with the preventive services agency, the preventive services agency must:

- A. Immediately phone Children's Services FSS via phone, at 212-341-2977
- B. Within 3 hours:
 1. Complete the FSS Three Hour Report ² (see attached)
 2. E-mail the completed FSS Three Hour report to Raquel.Pittman@dfa.state.ny.us
- C. Within 24 hours:
 1. Notify OCFS, by phone at 212-383-1828
 2. Complete the FSS Twenty Four Hour Report ³ (see attached)
 3. E-mail the completed FSS Twenty-Four Hour report to: Raquel.Pittman@dfa.state.ny.us
- D. Within 72 hours fax the OCFS Agency Reporting form to:
 1. FSS at 212-341-0926
 2. OCFS at 212-383-1339
- E. Ensure all documentation requirements, i.e., progress notes, and FASP's, are up-to-date according to current CNNX procedures
- F. Fax any supporting documentation to OCFS at 212-383-1339

NOTE: Upon notification of the death, Children's Services FSS will immediately contact the ARP.

For additional information on this procedure, contact Michael Hopson, Policies and Procedures Unit at 212-341-2858.

² For an electronic template of the FSS Three Hour Report, contact FSS at 212-341-2977

³ For an electronic template of the FSS Twenty-Four Hour Report, contact FSS at 212-341-2977

**Agency Reporting Form for Serious Injuries,
Accidents, or Deaths of Children in Foster Care
and
Deaths of Children in Open Child Protective or Preventive Cases**

Instructions:

Call the appropriate Regional Office to report a serious injury, accident or death of a child in foster care or a fatality involving a child in an open protective or preventive case within 24 hours of death or as soon thereafter as the agency becomes aware of the injury, accident or death.

This form is to be filled in by an agency official to report:

- A serious injury or accident resulting in medical treatment, hospitalization or death of a child in foster care.
- The death of a child in an open protective case.
- The death of a child in an open preventive case.

The form must be completed and sent to the appropriate Regional Office of the New York State Office of Children and Family Services (OCFS) within 72 hours of the injury, accident or death.

Check Case Type (Please check all that apply):

Foster Care _____ Protective _____ Preventive _____

SCR Called? Yes ___ No ___

Date of Death _____

Name of Child _____ Date of Birth _____

CIN _____

Agency or individual having legal custody _____

Address: _____

List any witnesses to the injury, accident or death:

Address: _____

Describe the circumstances of child's accident or injury, or cause of death. Details should include the date, time, and location.

For a report involving a serious injury or accident of a foster child, describe the agency's actions following the accident or injury.

To be completed by the OCFS Regional Office

Date Received in Regional Office: _____

OCFS Fatality Report Number: (RO/Year/###) _____

Reviewed by: _____ (name
of Regional Director)

Additional information that is needed by Regional Office:

Follow-up action assigned to: _____

3 Hour Report
For Child Fatalities or Critical Incidents
Involving a Child Receiving Preventive Services

Agency Name:

Case Name:

Child [ren] Name(s):

ACS#:

Date:

1. Please check the type of incident:

- Fatality
- Critical incident

2. Date of incident:

3. Please describe the circumstances regarding the fatality or critical incident (if the circumstances are not known please state)

4. Please check the case type:

- ADVPO
- CWS

5. Referral source:

6. Reason for referral:

7. Most recent assessment of safety and risk