



# Office of Children and Family Services

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## Local Commissioners Memorandum

<b>Transmittal:</b>	19-OCFS-LCM-05
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Child Welfare and Community Services
<b>Date:</b>	April 1, 2019
<b>Subject:</b>	<b>Local Departments of Social Services to Electronically Transmit Requests for Court-Ordered Investigations Under Section 1034 of the Family Court Act</b>
<b>Contact Person(s):</b>	See Section IV on Page 4
<b>Attachments:</b>	Link to new form (OCFS-1034) <a href="https://ocfs.ny.gov/forms/web/ocfs-1034/">https://ocfs.ny.gov/forms/web/ocfs-1034/</a>

### I. Purpose

The purpose of this Local Commissioners Memorandum (LCM) is to advise local departments of social services (LDSSs) of an update to the forms and procedures used for registering reports of suspected child abuse and maltreatment with the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) when in possession of a court order for initiation of an investigation under Section 1034 of the Family Court Act (FCA).

### II. Background

Section 1034 of the FCA authorizes Family Court judges to issue a court order for the child protective services (CPS) unit of the appropriate LDSS to conduct a child protective investigation, as described by the Social Services Law (SSL), and report its findings to the court. Such order may be granted whenever there is a matter pending before the Family Court judge or to determine whether an Article 10 proceeding should be initiated.

Only a judge authorized to preside over an Article 10 proceeding may order a CPS investigation under Section 1034 of the FCA. This includes Family Court judges, referees who are acting as Family Court judges (a Family Court referee or a Family Court hearing examiner), and Supreme Court judges when a Supreme Court has decided to accept

jurisdiction over a proceeding under the FCA. Otherwise, the Supreme Court does not have the authority to order a CPS investigation.

When a court orders an investigation under Section 1034 of the FCA, the law requires the investigation to be in compliance with the rules for such investigations as required by the SSL. As such, court-ordered investigations (COI) are transmitted to the SCR. The SCR verifies that the report contains adequate information (valid alleged subject(s), maltreated/abused child(ren), and locating information) to allow the SCR to register the allegations of suspected abuse or maltreatment, and transmit them to the appropriate LDSS's CPS unit to complete an investigation as required by Article 6 of the SSL and 18 NYCRR 432.

A court may issue a Section 1034 order even when a CPS unit in another county will be assigned primary responsibility for the investigation. The SCR's jurisdictional assignment procedures are the same for COIs as for any other type of intake report.

The court cannot use web form OCFS-1034 to order the LDSS to take specific actions, such as interviewing a specific child or adult. Similarly, the court order cannot expand the authority of an LDSS outside the bounds of the investigatory authority under the SSL. Family Court judges also have no authority to order a COI on incidents that occur in an institutional setting.

This release details the new process for LDSS staff to contact the SCR to register a report of suspected child abuse or maltreatment, as allowed by Section 1034 of the FCA. It also sets forth the new procedure that should be used by LDSS staff to submit the new form electronically, via a secure connection over the internet to the SCR, to initiate an investigation. The SCR will continue to accept these reports via phone (not fax) if the LDSS is unable to submit them electronically.

### **III. Program Implications**

Effective April 1, 2019, when the LDSS receives an FCA 1034 order, the web form OCFS-1034 (<https://ocfs.ny.gov/forms/web/ocfs-1034/>) should be completed and submitted electronically to the SCR. A message on the web form will indicate that it has been submitted and that the submitter should print a copy of the web form for his/her records. If the submitter is not the LDSS that is assigned primary responsibility for the investigation, he/she should also send a copy of the printed web form to the LDSS that is assigned primary responsibility. The OCFS-1034 web form replaces the LDSS-2221A form for court-ordered investigations only, and a copy should be kept by the submitter as evidence that the county complied with the court order. If the web form cannot be completed when a report is made, and LDSS staff calls the SCR instead, then the LDSS-2221A must be completed and retained for documentation.

Within 60 minutes of the submission of the report via the OCFS-1034 web form, the SCR will confirm receipt by sending a "read receipt" email to the submitter. If the submitter has not received the SCR's confirmation within 60 minutes, he/she should call the SCR at 1-800-342-3015.

The SCR will review the OCFS-1034 web form and determine if the information provided is sufficient to register a report; if it is, the SCR will register the report and send an email to the submitter's electronic address provided on the form. The email will indicate that a

report has been registered, and will list the assigned CONNECTIONS Intake Stage ID. The receipt of this email with the CONNECTIONS Intake Stage ID serves as confirmation that a report has been registered.

If the information as submitted is not sufficient to register a report, the SCR will call the person who submitted the form.

If the submitter has not received an email with the Intake Stage ID or a phone call from the SCR within two hours of submitting the report, he/she should call the SCR at 1-800-342-3015 and ask to speak with a supervisor.

**Note:** The OCFS-1034 web form is encrypted when submitted through its web page to protect confidential information; therefore, copies of this form should not be made available and/or otherwise emailed outside of its web page.

### **Completing the Form**

The OCFS-1034 web form can only be completed electronically. It is found on the OCFS website at <https://ocfs.ny.gov/forms/web/ocfs-1034/>. The form is password protected. The user name and password will be sent to LDSS directors of services the day this LCM is issued.

#### Section 1: Court Information

- Enter the name of the judge/referee and the court issuing the order.
- Provide the docket number of family file number for the underlying court action.
- Provide the date the court requires the report regarding the investigation findings.

#### Section 2: Person(s) Named in the Report

- List all adults that the court wants investigated as an alleged subject.
- List any child(ren) the court has concerns about as either abused (AB) or maltreated (MA).
- Any other child(ren) in the home(s) of the alleged subject(s) about whom the court has not specified any concerns should still be listed on the form. The role for these children should be "None" or "Unknown," as appropriate.
- Complete all other information in this section to the best of your ability, given the information provided by the court. If you do not know the sex, age, race, ethnicity, relationship, or language of the person(s) named in the report, select "Unknown."
- An address or phone number for at least one of the alleged subjects or "MA/AB" children is required to register a report.

#### Section 3: Reasons for Suspicion

- Provide a narrative outlining the concerns that resulted in the order, if available.
- Include the nature and extent of any injuries or other harm or imminent risk of harm to the child(ren).
- Include the actions or inactions of the parent or other person legally responsible that is alleged to have caused the harm or placed the child(ren) at risk.

**Section 4: Source(s) of the Report**

- The first source name and information entered should be that of the person submitting the form (email address is required).
- You may list up to two other individuals (other than the judge/referee ordering the COI) who are involved in the report being submitted.

**IV. Contacts**

Questions concerning this release should be directed to the appropriate Division of Child Welfare and Community Services regional office or the Statewide Central Register:

Buffalo - Amanda Darling (716) 847-3145 [Amanda.Darling@ocfs.ny.gov](mailto:Amanda.Darling@ocfs.ny.gov)  
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Native American Services - Heather LaForme (716) 847-3123  
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Statewide Central Register – Brian Kelley (518) 474-1567 [Brian.Kelley@ocfs.ny.gov](mailto:Brian.Kelley@ocfs.ny.gov)

*/s/ Lisa Ghartey Ogundimu*

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**Issued by:**

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