

OSI is an office within the NYC ACS Division of Child Protection which conducts investigations of alleged child abuse and maltreatment of children residing in foster care. This includes cases involving children of teen parents who are in foster care, as well as the biological children of foster parents. OSI also investigates cases of child neglect and maltreatment made against ACS employees concerning their own children and cases of child neglect and maltreatment involving children in non-residential day care settings.

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An OSI investigation may take up to 60 days to be completed, depending upon the circumstances of the case. The OSI investigation will determine if there is some credible evidence to support substantiating the allegations. If there is no credible evidence, then the allegations will be unfounded. The outcome of an OSI investigation is to ensure the safety, permanency, and well-being of all children who are subjects of the investigation.

The OSI investigative process is child-centered, family focused, culturally competent and strength-based. OSI staff are expected to treat all individuals with professionalism and respect during the investigative process. OSI staff will speak with children, parents, foster parents and other collateral contacts (including teachers, doctors and neighbors) to obtain information about the events and circumstances that have led us to conduct our investigation. At the conclusion of an investigation OSI may require that corrective actions be implemented for numerous reasons.

Corrective actions may be required in both foster care and day care cases. Corrective action plans (CAP) are created and structured to address areas of concern revealed during the OSI investigation. CAPs are put in place to promote the safety and well-being of children.

#### Division of Child Protection's Key Commitments

- No child we come into contact with will be left to struggle alone with abuse and neglect.
- No family who needs and wants help to keep their children safe will be left without the help they need.
- Every child we come into contact with will get the help (s)he needs to be healthy and achieve his/her full educational and developmental potential.
- Every team member at Children's Services and each of our provider agencies can expect guidance, respect and emotional support to achieve our goals. Every child, family, community member and foster parent we come into contact with will be treated with the same concern and respect.

**ACS Office of Special Investigations**  
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14th Floor  
New York, NY 10038

**OSI Phone:**  
212-442-8300

**ACS Website:**  
[www.nyc.gov/acs](http://www.nyc.gov/acs)

## Office of Special Investigations

# Frequently Asked Questions from Foster Parents



## What should I expect if I become the subject of an OSI investigation?

The New York State Office of Children and Family Services (OCFS) State Central Register of Child Abuse and Maltreatment (SCR) is responsible for screening, accepting and assigning reports of suspected child abuse and maltreatment to local jurisdictions for investigation. These include reports made against foster parents concerning children residing in their home, their own children, any children in their custody, any foster children, and any children receiving day care in their home. The New York City Administration for Children's Services (ACS) Office of Special Investigations (OSI) is responsible for investigating SCR reports received against foster parents living in the five boroughs of New York City.

Upon receiving an SCR report, OSI staff conduct a comprehensive child protective investigation, which includes interviewing and meeting with the foster parent and all other adults in the household; meeting with the foster children and all other children including the foster parent's children residing in the foster home; speaking with the assigned foster care agency and case planner; speaking with collateral contacts who have information about the family and the child, including health care providers, schools, babysitters, neighbors, etc.

A Notice of Existence letter will be provided to the foster parent which informs him/her in writing about an investigation. A separate letter will be sent to the foster care agency notifying them that a report has been made. Until the investigation is concluded, additional children will not be placed in your home. Sometimes a formal investigation is not created by the SCR; rather they will create an Additional Information stage and OSI will make an assessment to determine if an investigation or services are needed.

OSI Staff will not disclose the source of the SCR report to anyone during the course of the investigation. The investigative process may require that the foster parent and foster children participate in Family Team Conferences and/or Child Safety Conferences with OSI staff and staff from the foster care agency.

The investigation will be completed within 60 days and a determination will be made either indicating the case (*substantiating the allegations in the SCR report*) or unounding (*unsubstantiating the allegations in the SCR report*). Upon completion of the investigation, there may be case specific corrective actions required of you and/or the foster care agency to support the safety, well-being and permanency of the

foster child(ren) and your own child(ren). There may also be a recommendation that your foster home be closed. If at any time you have questions

or need clarification about the allegations and investigation, please contact the assigned OSI CPS staff member or OSI supervisor.

## Will the foster care agency let me know beforehand that an OSI investigation will be conducted?

No. In most cases, OSI staff will initiate the investigation by making an unannounced visit to the foster home. The investigation will also include an interview with the

assigned case planner from the foster care agency. OSI and the case planner will discuss the allegations and any identified concerns.

## Can I have someone with me for support during an OSI investigation?

Yes. At any point in an OSI investigation, including the initial unannounced home visit by OSI staff, you may have personal supports with you as long as they do not hinder or obstruct the investigation. These supports may include a foster parent advocate, relatives, friends, neighbors, religious advisors, community partners, or any other appropriate support person.

OSI will be speaking to your case planner during an investigation.

During the course of fostering children it is important that you speak regularly with

your case planner and keep him/her informed about the various things that are happening with your foster child and with you as a foster parent. This will provide an opportunity for the case planner to provide guidance when needed. Situations do not need to rise to the level of an emergency to be shared with your case planner. It is also good to document events in your home related to your foster child in a journal or in a log. This will enable you to remember circumstances and events in more detail should you be asked about them as part of an investigation or inquiry.

## Can my foster child be removed from my home before the OSI investigation is completed?

Yes, foster children may be removed at any point during the OSI investigation if the health, well-being, or safety of the child requires it.

The foster care agency can also remove and replace foster children as necessary before and during OSI investigations. Planned removals are to take place



### Special points of interest:

- As of the new Fiscal Year 2014, ACS has 6,824 foster parents listed as fostering NYC children.
- On average about 12,000 children were in family foster care in 2013.
- OSI investigates about 2,500 reports yearly.
- Around 75% of the reports OSI investigates are unsubstantiated.

**Bill de Blasio**  
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**Gladys Carrión, Esq.**  
Commissioner

**Jacqueline O. McKnight**  
Ph.D, LMSW  
Executive Deputy  
Commissioner

**William Fletcher, LCSW**  
Deputy Commissioner



when health, well-being and safety concerns are not immediate. You must receive written notification of the foster care agency's planned intent to remove a foster child, except for removals due to a court order. Written notification must be given at least 10 days prior to the proposed effective date of the planned removal. When the health, well-being or safety of the child requires that the child be removed immediately from the foster family home, then this is not considered a planned removal but an emergency removal. In these emergency removal situations, written notice should be given at the time of the removal or as soon as is practicable thereafter.

If you disagree with the removal or the proposed removal, you may request a meeting with the foster care agency and/or a Placement Preservation conference. You may also request an Independent Review from ACS. If there is an active investigation with OSI (or if one was closed within 30 days), you may contact the OSI Foster Boarding Home Review team at 212-442-7214 or 212-442-7235. If there is no active OSI investigation (or one was closed greater than 30 days), then contact the ACS Office of Advocacy at 212-676-9421. You may bring a representative to the Independent Review, but you are not required to do so. Your foster care agency case planner will attend the conference. The child's attorney may attend the conference or present a position in writing to be shared at the conference. If your representative is an attorney, the other parties may also have legal representation. Please inform the Independent Reviewer if you plan to bring an attorney. At the conference, you may discuss the reason for the removal, state why the child(ren) should not be removed or should not have been removed, and have the action reviewed. If the result of the Independent Review concurs with the removal decision, you

may seek an appeal by requesting a fair hearing from the New York State Office of Children and Family Services (OCFS). It is important to note that a Fair Hearing will not be scheduled by OCFS until an Independent Review has taken place. The information on how to request an appeal is included in the written decision completed by the Independent Reviewer and is also provided below.

To request a fair hearing, you may write to:

**New York State Office of Children and Family Services  
Bureau of Special Hearings  
P.O. Box 1930  
Albany, New York 12201**

Please include the following information when you request a fair hearing:

- Applicant's (foster parent) name, address and telephone number
- Name and date of birth of child(ren) removed
- Name and address of agency that removed the child
- If known, the name and telephone number of the OSI or provider agency supervisor or caseworker that removed the child

If you request a fair hearing, you have a right to examine your case record to the extent that the case record is not confidential. Within this request you may also ask for copies of any part of the case record that you wish to present at the hearing, at no cost to you. At the fair hearing, you will have the right to be represented by an attorney, by a friend or relative, or you may represent yourself. You will have the right to bring witnesses, to ask questions, and to present written and oral evidence. The foster care agency and ACS must comply with the decision issued after the fair hearing as long as it does not conflict with an existing court order.

### Can my own child(ren) be removed from my home as a result of the OSI investigation concerning my foster child?

Yes. A second report may be called in against you as it concerns your own children. The OSI caseworker will only remove your children when there is imminent danger to the child's life or health or when a judge orders it. The OSI caseworker will first attempt to obtain a removal order from a Family Court judge, except where immediate removal is necessary to protect a child's life or health. The Family Court must balance the risk of harm to the child

caused by a removal against the harm the child is likely to experience if left in the care of the parent, and determine which course is in the child's best interests. Therefore, whenever a removal is being considered, the OSI team will decide whether the child can remain safely at home with the parent while the OSI caseworker requests a Child Safety Conference and thereafter a removal order from the Family Court, or if an Emergency Removal without a court order is required.

### After the OSI Investigation has begun, can the foster care agency discuss the pending allegations, the investigation and other case work matters with me?

Yes. Once the OSI investigation has begun, the foster care agency can discuss the pending allegations with you. Your agency can serve as a support to you and your foster child throughout the investigative process. You should also continuously update your agency on what

is happening as part of the OSI investigation. OSI will inform the foster care agency that a report has been made against you and will be in discussion with the case planner about the presenting situation, the care of the children, and your abilities as a foster parent.

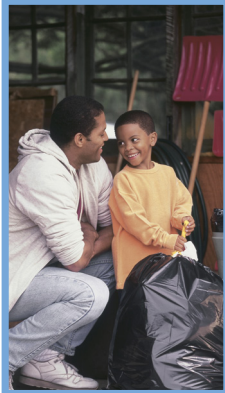
### If I want to get an update on the status of the investigation, can I call OSI?

Yes. You can contact the assigned OSI staff or supervisor to obtain any additional information

regarding the investigation, as well as to provide them with information that you may have.



**“I’m a foster parent, what is your superpower?”**



### **Will I be able to have additional foster children placed into my home while the OSI investigation is pending?**

No. Once the OSI investigative process is initiated, your foster home will be placed on hold and no additional foster children

will be placed in your home until the investigation is concluded and any corrective action recommendations have been implemented.

### **What happens after the OSI staff indicates or unfounds the allegations that have been made against me in the SCR report?**

Upon completion of the case investigation, OSI must determine whether there was some credible evidence found during the course of the investigation to substantiate the alleged abuse or maltreatment took place. If there is such evidence, the case will be indicated (allegations substantiated) against you. If there is no credible evidence found, then the case will be unfounded against you. The specific decisions that can be made are as follows:

ACS will notify you if your case is indicated. If your case is indicated, it can result in the foster children being removed from your home, if they have not been removed already. An indication can also result in

your foster home being closed with a recommendation that it not be reopened.

If your case is unfounded, you will receive notice from OCFS. Regardless of the determination made on the case, OSI may request additional actions be completed in the form of a “Corrective Action Plan,” which may or may not allow the foster children to remain with you. This plan will be sent to your agency and your case planner will follow-up with you directly in order to address the additional actions identified by OSI. Depending on the situation, even if the allegations are unfounded, your home may be closed to foster children.

### **What can I do if the OSI investigation is indicated against me?**

You have the right to request the decision made by OSI be amended and sealed. The instructions on how to appeal the determination are on the Notice of Indication that you will receive from ACS/OSI about the substantiated

allegations. Once OCFS receives your request, an administrative review will be completed by OCFS. If that review sustains (agrees with) OSI’s determination then a fair hearing will automatically be scheduled by OCFS. If

neither an administrative review or a fair hearing overturns the OSI determination then the indicated/substantiated case is expunged from the system once the youngest child named in the report is

### **If the case is indicated against me and I successfully complete my Corrective Action Plan, may I still be a foster parent?**

Based on the investigation and Corrective Action Plan, a decision will be made to keep your home open to foster children or to close it. While OSI will make a determination if the home is to be closed, the foster care agency may opt to close the home sooner. Whether or not the case is indicated, if OSI and/or the foster care

28 years old. If your foster home was closed and if the administrative review overturns the OSI determination, then your home may still remain closed.

agency recommend closure of your foster home you will not be allowed to foster children in your home. If the decision is to keep your home open and if the corrective action plan is satisfactorily completed, as determined by the Corrective Action Monitoring Unit (CAMU), then you may continue to foster children.

### **Can the foster care agency decide to close my home whether the case is unfounded or indicated against me? If so, why would it be done?**

Yes. All foster homes must meet the standard of care to ensure the safety, health and well-being of all foster children regardless of a case being indicated or unfounded. The foster care agency and/or OSI has the discretion to close

your home based on an assessment of your ability to ensure the safety, health and well-being of the foster child(ren) residing in your home. The foster care agency will discuss with you any decision to close your foster home.

### **What can I do if I believe that a false allegation has been made against me to the SCR?**

If you believe that false allegations have been made against you to the SCR, please inform the OSI caseworker assigned to investigate the case and state the basis for your belief. The OSI staff can submit an inquiry request to the ACS Criminal Justice Coordinator to look into the allegations further. The Criminal Justice Coordinator

will assess whether the SCR report(s) in question constitutes a false report of an incident. If the case is determined to be false and meets the District Attorney Office’s criteria, the Criminal Justice Coordinator will refer the matter to the appropriate District Attorney’s Office.

### **My OSI case was unfounded. Why is it still coming up on my SCR clearance?**

If your case is unfounded, it is sealed and by state law will remain on file with the SCR for 10 years from the date that the SCR received the report. However, if your case is unfounded and you are named in subsequent reports, ACS can

access the prior unfounded case. After 10 years any unfounded cases will be automatically removed from NYS Office of Children and Family (OCFS) records.