

**Memorandum of Understanding with Legal Services of Hudson Valley and
Westchester County Department of Social Services Child Protective Services
Regarding Communication**

In order to improve the quality of legal services to families impacted by child welfare, this Memorandum of Understanding ("MOU") is intended to outline permissive communication between Westchester County Department of Social Services ("WCDSS") and Legal Services of the Hudson Valley ("LSHV"). WCDSS and LSHV agree to be guided by the communication protocols outlined in this MOU regarding shared adult subject/clients residing within the County of Westchester who are involved in child abuse and neglect investigations, court proceedings, administrative reviews or fair hearings based on reports made to the New York State Central Register ("SCR").

WCDSS staff refers to Westchester County DSS Child Protective Services Investigative, Preventive Services and Foster Care staff. LSHV staff refers to attorneys, social workers, and parent and family advocates employed by LSHV.

Background

WCDSS is required through federal and state mandates to conduct investigations of child abuse and neglect on reports received from the SCR. New York State Office of Children and Family Services ("OCFS") requires that in conducting such investigations, WCDSS interview all adult subjects and children named in the SCR report and take appropriate actions to assure the safety of children when the investigation indicates that children are abused, neglected or are at risk of same. OCFS also requires that WCDSS make reasonable efforts to provide services when necessary, to meet families' needs and to keep children safely at home.

LSHV is a non-profit law firm that provides free legal counsel in civil matters for individuals and families who cannot afford an attorney. New York State's Indigent Legal Services issued funding to improve the quality of legal services for parents through a demonstration project that was awarded to Westchester County and LSHV. In accordance with these New York State standards on parental representation, LSHV will be providing inter-disciplinary services to parents with child welfare engagement. The defining feature of this demonstration project is the implementation of a client-centered, holistic and interdisciplinary representation model that addresses both the legal and social service issues confronting parents affected by the child welfare system. New York State has determined that parents with child welfare involvement are entitled to legal representation at every stage of the process. LSHV's inter-disciplinary team includes attorneys, social workers, parent/family advocates as well as other LSHV staff. Each adult subject/client who is working with LSHV will receive assistance from the inter-disciplinary team and will be assessed for other legal and social service needs. Potential adult subjects/clients will reach out to LSHV if interested in these services. LSHV will define the scope of representation, which may include services at the SCR investigation stage, assistance with an indicated SCR report, and legal representation in a Family Court or administrative proceedings.

Communication Protocol

The communication protocol in this MOU applies to the designated WCDSS and LSHV staff and covers communication in the investigative stage through any potential court or administrative proceedings where the subject of the report is represented by LSHV. All communication outlined below is between WCDSS staff and the LSHV social work and parent/family advocates.

Referral of Families to LSHV

LSHV will receive client referrals from multiple community sources. Additionally, and pursuant to this MOU, investigative staff from WCDSS staff are encouraged to provide referrals to their clients to LSHV's FDU program. Said information from investigative staff will be non-binding on the adult subject, who will make their own independent decision whether to contact LSHV. LSHV will provide a flyer to WCDSS with contact information.

Information Sharing

When LSHV is working with a client, a signed HIPPA release will be provided to WCDSS staff so that WCDSS Staff may share information with LSHV.

WCDSS staff may discuss visitation arrangements (eg. dates, times, frequency, and location) for the adult subject/client with the LSHV social work or family advocate staff.

When the parent is involved in supervised visitation, immediately following visitation, the adult/subject and WCDSS worker will engage in visitation coaching with the parent to discuss the quality of the visits, including the strengths, challenges, areas needing improvement, child safety, and resources. The adult/subject will receive a written documentation that can be shared with LSHV staff. LSHV staff will then be able to follow up with WCDSS with any questions or clarifications, if needed. If adult/subject has not received a written overview of the visit, LSHV will outreach the WCDSS worker to follow up and obtain a copy and/or receive feedback about the visit.

WCDSS staff may share information with LSHV social work or family advocate staff about the adult subject/client's service needs including the names and contact information for programs and services and recommendations thereof. WCDSS staff may share information about the status of pending referrals and referrals completed for adult subject/client with LSHV social work or family advocate staff. When the adult subject/client does not have a copy of the service plan, upon request WCDSS staff may provide a copy of the written service plan to LSHV social work/family advocate staff. WCDSS may share information regarding the progress the adult subject/client is making in their service plan with LSHV social work/family advocate staff. When children are in foster care, WCDSS may share information regarding a child's medical and educational progress (e.g. report cards, medical updates when applicable) with the LSHV social work/family advocate staff. This includes advance notice of doctors' appointments and school meetings that the adult subject/client may attend.

Westchester County Attorney's Office


Discussions between LSHV attorneys and WCDSS staff should not occur without a representative from the Westchester County Attorney's Office ("WCAO") being present. In situations where there is a need for

WCDSS to discuss any matter directly with LSHV attorney, WCDSS staff will inform WCAO of the need for legal representation.

Memorandum of Understanding

The above MOU is a document for understanding communications. The parties agree that it will help support families and will be ongoing as long as LSHV is representing adult subjects/clients in child protective matters. LSHV and WCDSS agree this MOU can be updated, altered or ended as the collaboration proceeds. The above MOU will be in effect during the pendency of the demonstration project. This MOU may be extended upon agreement of both LSHV and WCDSS.

Signatures:

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Rachel Halperin
Chief Executive Officer
Legal Services of the Hudson Valley



Leonard G. Townes
Commissioner
Westchester County Department of Social Services